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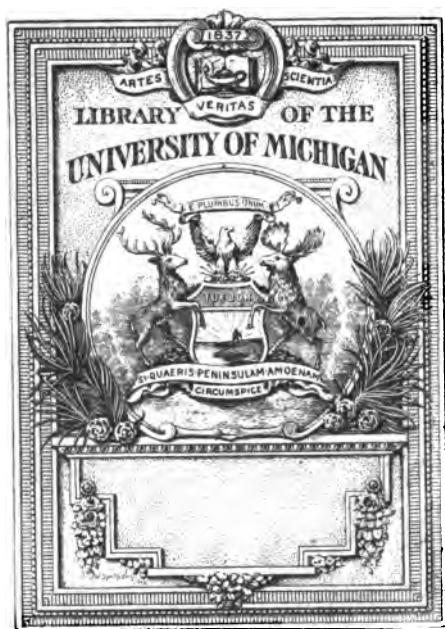
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,



PASSED AT THE ANNUAL SESSION OF 1849,

WITH AN

APPENDIX,

CONTAINING THE

State Treasurer's Annual Report, &c.

BY AUTHORITY.

LANSING:

BY MUNGER & PATTISON, PRINTERS TO THE STATE.

1849.

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1849

NAMES

OF THE GOVERNOR, LIEUT. GOVERNOR, SENATORS AND REPRESENTATIVES IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

EPAPHRODITUS RANSOM, GOVERNOR.

SENATE.

WILLIAM M. FENTON,
LIEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

DISTRICT.	SENATORS.	COUNTY.
First District,	George R. Griswold,	Wayne.
" "	Charles A. Loomis,	St. Clair.
" "	Titus Dort,	Wayne.
" "	Jacob Summers,	Macomb.
Second District,	William Finley,	Washtenaw.
" "	Nelson G. Isbell,	Livingston.
" "	Michael Shoemaker,	Jackson.
" "	Dwight Webb,	Washtenaw.
Third District,	Levi Baxter,	Hillsdale.
" "	Enos G. Berry,	Branch.
" "	Nelson Dunham,	Monroe.
" "	F. S. Snow,	Lenawee.
Fourth District,	John McKinney,	Van Buren.
" "	Alexander H. Redfield,	Cass.
Fifth District,	Campbell Waldo,	Calhoun.
" "	David S. Walbridge,	Kalamazoo.
Sixth District,	Alvin N. Hart,	Lapeer.
" "	Jonathan P. King,	Mackinac.
" "	James McCabe,	Oakland.
" "	Edward H. Thomson,	Genesee.
Seventh District,	Rix Robinson,	Kent.
" "	Adam L. Roel,	Ionia.

HOUSE OF REPRESENTATIVES.

LEANDER CHAPMAN, OF JACKSON COUNTY, SPEAKER.

NAMES.	COUNTY.	NAMES.	COUNTY.
Morris S. Allen,	Clinton.	Elijah Hawley, Jr.,	Wayne.
John Andrews,	Van Buren.	Norton P. Hobert,	Calhoun.
Cyrus Bacon,	Cass.	Alfred Holmes,	Saginaw.
Friend Belding,	Oakland.	John N. Ingersoll,	Chippewa.
John Bowne,	Barry.	Joseph H. Kilborn,	Ingham.
Phillip H. Buck,	St. Joseph.	Major F. Lockwood,	Oakland.
Andrew L. Burk,	Berrien.	Cyrus Lovell,	Ionis.
Chauncey G. Cady,	Macomb.	Levi C. Matthews,	St. Joseph.
Bradford Campbell,	Livingston.	William McNair,	Lenawee.
Henry Chamberlain,	Berrien.	John L. McNeil,	Genesee.
Wm. F. Chittender,	Wayne.	Orlando Moffat,	Calhoun.
George A. Coe,	Branch.	Charles Morau,	Wayne.
Russel Coman,	Hillsdale.	Edward G. Morton,	Monroe.
Horace H. Comstock,	Allegan.	Jabez S. Mosher,	Lenawee.
Oliver C. Comstock,	Branch.	Samuel Mulhollen,	Monroe.
Israel Curtis,	Macomb.	* Herman C. Noble,	Shiawassee.
Orin David,	Wayne.	C. M. O'Malley,	Mackinac.
Robert W. Davis,	Oakland.	N. C. Parkhurst,	Oakland.
Daniel Dayton,	Genesee.	Henry Pennoyer,	Ottawa.
Daniel H. Deming,	Lenawee.	Nathan Salyer,	Washtenaw.
Barney Earl,	Kalamazoo.	Henry C. Smith,	Kent.
Fenner Ferguson,	Calhoun.	W. M. St. Clair,	St. Clair.
Benjamin F. Fox,	Jackson.	Amos Stevens,	Wayne.
James Flower,	Macomb.	Jesse Stoddard,	Hillsdale.
Marsh Giddings,	Kalamazoo.	Julius Tilden,	Monroe.
Amasa Gillet,	Washtenaw.	George B. Turner,	Cass.
Martin S. Gillett,	St. Clair.	John W. Turner,	Lenawee.
Salmon L. Haight,	Washtenaw.	James Turrill,	Lapeer.
William Hammond,	Eaton.	Warren Tuttle,	Wayne.
Seeler Harger,	Oakland.	Benjamin W. Waitt,	Washtenaw.
Joseh L. Hartsuff,	Livingston.	D. S. Wilkenson,	Lenawee.
Barnabas C. Hatch,	Jackson.	David A. Wright,	Oakland.

* Died, at Lansing, January 7, 1849.

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4.	An act to extend the time for the collection of taxes in the township of Bellevue, in the county of Eaton, approved January 16,	3
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8.	An act to authorize the justices of the supreme court to fix and appoint the times of holding the several circuit courts within their several circuits, approved January 20,	6
9.	An act to amend an act entitled an act to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same, approved January 24,	6
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11.	An act to amend an act entitled an "act to authorize the supervisors of the county of Kent to construct a canal and locks around the rapids of Grand river, at Grand Rapids," approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848, approved January 25, 1849,	7
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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of taxes in the Township of Jackson, in the County of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Jackson, in the county of Jackson, for the year eighteen hundred and forty-eight, is hereby extended to the fifteenth day of March next.

Time for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the fifteenth day of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said fifteenth day of March next.

Duty of town treasurer.

Sec. 3. It shall be the duty of the said treasurer before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law and to renew his official bond to the satisfaction of the treasurer of the county of Jackson.

Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Transcript of unpaid taxes to be returned to auditor genl.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 12, 1849.

[No. 2.]

AN ACT to provide for the payment of the Officers and Members of the Legislature.

Compensa-
tion of mem-
bers & spea-
ker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the compensation of members of the senate and house of representatives shall be three dollars per day each, and that of the speaker of the house, his per diem allowance inclusive, six dollars per day; and the mileage of said members shall be computed at the rate of three dollars for every twenty miles to and from the capital upon the usual traveled route.

Pay of clerks
&c.

Sec. 2. The secretary of the senate, and clerks and sergeant-at-arms of either house, shall be allowed three dollars per day; the firemen of either house shall be allowed one dollar and fifty cents per day, and the messengers of either house one dollar per day, during the session of the house to which they respectively belong.

How certi-
fied.

Sec. 3. Such sums as may be due to the president, or president *pro tempore* of the senate, shall be certified by the secretary of the senate, and to the speaker of the house by the clerk thereof; and such sums as may be due to the several members and other officers of either house, under the preceding sections, shall be certified to by the presiding officer of the respective houses.

How paid,

Sec. 4. Upon presentation of any such certificate at the state treasury, countersigned by the auditor general, the state treasurer is hereby authorized and directed to pay the same out of any money in the treasury, to the credit of the general fund, not otherwise appropriated.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 12, 1849.

[No. 3.]

AN ACT to extend the time for the collection of certain taxes in the township of Plainfield, in the county of Kent.

Supervisor
to make new
assessment
roll for 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Plainfield, in the county of Kent, be and he is hereby authorized and empowered to make out a new assessment roll and tax

list for taxes of the year eighteen hundred and forty-eight, in said township, on or before the first day of February next.

Sec. 2. The township treasurer shall be notified by the supervisor within six days thereafter that said tax list is ready, and of the amount of state and county tax assessed therein, and upon his giving bonds as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list with a warrant commanding him to collect, account for and pay over the taxes in said list, as is provided by law, except as to time, which shall be on or before the fifteenth day of March next.

Duties of supervisor and township treasurer.

Sec. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Plainfield, may be forwarded to the auditor general at any time on or before the first day of April next; and the same shall be collected and interest computed, as is provided by law for other delinquent taxes of eighteen hundred and forty-eight.

Transcript of unpaid taxes to be returned to auditor general.

Sec. 4. The treasurer of said township of Plainfield, upon the receipt of the tax list and warrant provided for in this act, shall give credit for all taxes which he shall have received on an informal tax list for the year eighteen hundred and forty-eight, now in his possession, to the several persons who shall have paid the same, and the remainder of said taxes shall be collected, returned and proceeded with, in all respects as other taxes for eighteen hundred and forty-eight, except as otherwise provided in this act.

Duties of treasurer.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 12, 1849.

[No. 4.]

AN ACT to extend the time for the collection of taxes in the township of Bellevue, in the county of Eaton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Bellevue, in the county of Eaton, be and he is hereby authorized and empowered to make out a new assessment roll and tax

Supervisor to make new assessment roll for 1849.

Not for taxes for the year eighteen hundred and forty-eight, in said township, on or before the first day of February next.

Duties of supervisor and township treasurer.

Sec. 2. The township treasurer shall be notified by the supervisor within six days thereafter, that said tax list is ready, and of the amount of state and county tax assessed therein, and upon his giving bonds as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list, with a warrant commanding him to collect, account for and pay over the taxes in said list as is provided by law, except as to time, which shall be on or before the fifteenth day of March next.

Transcript of unpaid taxes to be returned to auditor general.

Sec. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Bellevue, may be forwarded to the auditor general at any time on or before the first day of May next, and the same shall be collected and interest computed as is provided by law for other delinquent taxes of eighteen hundred and forty-eight.

Duties of township treasurer.

Sec. 4. The treasurer of said township of Bellevue, upon the receipt of the tax list and warrant provided for in this act, shall give credit for all taxes which he shall have received on an informal tax list of eighteen hundred and forty-eight, now in his possession, to the several persons who shall have paid the same, and the remainder of said taxes shall be collected, returned and proceeded with, in all respects, as other taxes for eighteen hundred and forty-eight; except as otherwise provided in this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 16, 1849.

[No. 5.]

AN ACT to amend an act entitled "an act to amend an act to provide for the recording of town plats" and for vacating the same in certain cases, approved April 19th, eighteen hundred and thirty-nine.

Act relative to record of town plats amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act approved March 27th, eighteen hundred and forty-eight, being "an act to amend an act to provide for the recording of town plats, and for vacating the same

in certain cases, approved April 19th, eighteen hundred and thirty-nine," be and the same is hereby amended as follows:

Sec. 2. Amend section one by inserting the words "of deeds" after the word "register," in the tenth line.

Ibid.

Sec. 3. Strike out of the seventh line in section three, the words "county Register," and insert in the place thereof the words, "register of deeds of the county."

Ibid.

Sec. 4. All town plats recorded since the passage of the act hereby amended, shall be deemed as valid and effectual in law, as if the same had been recorded under the provisions of said act as hereby amended.

Certain records legalized.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 17, 1849.

[No. 6.]

AN ACT to amend section seven of chapter eleven, title two, of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of chapter eleven, title two, of the revised statutes of 1846, be amended by striking out the word "ten," in the third line of said section, and inserting in lieu thereof the word "twenty."

Sec. 7 chap. 11 of revised statutes amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 17, 1849.

[No. 7.]

AN ACT to change the name of Henry Mann.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of Henry Mann, a minor, of the county of Lenawee, and son of Gilbert B. Mann and Almira Mann, be and the same is hereby changed to Henry Mann Waite.

Henry Mann name changed.

LAWS OF MICHIGAN.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 18, 1849.

[No. 8.]

AN ACT to authorize the Justices of the Supreme Court to fix and appoint the times of holding the several Circuit Courts within their several circuits.

Judges of
sup. court to
appoint
terms of hol-
ding cir-
cuits.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the justices of the supreme court may immediately after the passage of this act, fix and appoint the times of holding the several circuit courts within their several circuits for the period of two years next ensuing the passage of this act, which courts when so fixed shall remain unaltered for said two years.

Notices of
circuit to be
published.

Sec. 2. Every such appointment shall be published in some paper printed at the seat of government, once in each week, for two weeks in succession, and the last publication thereof shall be at least ten days before the holding of any circuit court in pursuance thereof.

Copy of no-
tice to be
sent to coun-
ty clerk.

Sec. 3. A copy of such appointment shall, immediately upon making the same, be transmitted to the clerk of each county within his circuit, which shall be filed and preserved by such clerk.

Sec. 4. This act shall take effect from and after its passage.

Approved January 20, 1849.

[No. 9.]

AN ACT to amend an act entitled an act to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same.

Section.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to provide for laying out and establishing a state road from Albion to Eaton Rapids and to make an appropriation for opening and improving the same, approved April 3d, 1848," be and the same is hereby amended as follows: strike out all after "that" in the second

line of section first, to "and" in the beginning of the third line, and insert "Theron Soule, John R. Palmer," and in section five, fourth line, strike out the words "Duck Lake" and insert "south line of the township of Clarence."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 24, 1849.

[No. 10.]

AN ACT to amend an act entitled "an act authorizing any persons to construct lines of Electric Telegraph in the State of Michigan."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled "an act authorizing any persons to construct lines of electric telegraph in the state of Michigan," approved January 28th, 1847, be and the same is hereby amended by inserting after the word "highways," in the sixth line, the words "or rail roads." Act amended.

Approved January 24, 1849.

[No. 11.]

AN ACT to amend an act entitled an act to authorize the Supervisors of the county of Kent to construct a canal and locks around the rapids of Grand River at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28. 1848.

Whereas, It appearing from the report of the commissioner of the State land office that the contractor for the construction of the canal and locks around the rapids of Grand river at Grand Rapids, has filed in the State land office the required certificate of the board of supervisors for Kent county, setting forth that said canal is half completed, and has also filed the proper bonds in accordance with the provisions of act No. 22, of 1848; therefore, for the purpose of enabling said contractor to proceed with greater convenience and despatch in the completion of said work: Preamble.

Commissioners of the canal at Grand Rapids to make and file estimates as work progresses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners (or a majority of them) appointed under the provisions of act No. 125 of 1848, approved March 28th 1848, be, and they are hereby authorized and empowered to make estimates of the said work as it progresses from time to time, as they in their discretion shall deem just and proper, and to file the same with the commissioner of the State land office.

Commissioner of state land to pay contractors on such estimates.

Sec. 2. The commissioner of the State land office is hereby authorized and required upon the application of said contractor, and upon the filing of the said estimates by the said commissioners, of the amount of work completed by said contractor, to pay over to him or his order, any warrants or specie that may have been received by said commissioner under, and in accordance with the provisions of act No. 22, of 1848, or of this act; or certificates of sale in any legal subdivision of any of the unsold lands appropriated and selected under the provisions of the act hereby amended: **Provided** that said commissioner of the State land office shall not pay over to the said contractor in warrants, specie or certificates of sale, an amount exceeding the estimates duly filed of the amount of work completed, less fifteen per cent.

Duties of Commissioner of land office.

Sec. 3. The said commissioner shall hereafter receive in payment for sales of lands which have been, or may hereafter be made under the provisions of act No. 22 of 1848, Internal Improvement land warrants of this State, upon the written consent of the said contractor, and not otherwise.

Sec. 4. So much of any act or acts heretofore passed, as contravenes the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1849.

[No. 12.]

AN ACT to amend section two of chapter seventy-eight of the Revised Statutes of one thousand eight hundred and forty-six.

Sec. 2 chap. 78 of revised statutes amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter seven-

ty-eight of the revised statutes of one thousand eight hundred and forty-six, be and the same is hereby amended by inserting after the word "invested," in the fourth line, the words "in other more productive real estate or," so that said section as amended will read as follows:

"Sec. 2. When it shall appear satisfactorily to the court upon the petition of any such guardian that it would be for the benefit of his ward that his real estate, or any part thereof, should be sold, and the proceeds thereof put out on interest or invested in other more productive real estate, or in some productive stock, his guardian may sell the same for that purpose upon obtaining a license therefor and proceeding therein as hereinafter provided."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 13.]

AN ACT to extend the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson, for the year eighteen hundred and forty-eight, is hereby extended to the first Monday of March next.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday of March next.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all monies collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Jackson.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be re-

turned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 14.]

AN ACT to extend the time for the collection of taxes in the city of Detroit for the year eighteen hundred and forty-eight.

Time for
collection of
taxes extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of the state and county taxes in the city of Detroit for the year 1848, is hereby extended until the first Monday of March next.

Duties of
collectors.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might do during the life time of their warrants for that purpose, and to make their returns on or before the first Monday in March next; and said warrants are continued in full force for said purpose until said time.

Ibid.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants as provided now by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Transcript
of unpaid
taxes to be
returned to
auditor general.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year 1848, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 15.]

AN ACT to extend the time for the collection of taxes in the township of Niles, in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Niles, in the county of Berrien, for the year eighteen hundred and forty eight, is hereby extended to the first Monday of March next. Time for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday of March next. Duties of township treasurer.

Sec. 3. It shall be the duty of the said treasurer before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Berrien. Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non payment. Transcript of unpaid taxes to be returned to auditor general.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 16.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-eight, in the city of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the city of Monroe, for the year eighteen hundred and forty-eight is hereby extended until the first day of March next. Time for collection of taxes extended.

Sec. 2. The collector of said city is hereby authorized and em- Duties of collector.

powered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the first day of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first day of March next.

Ibid Sec. 3. It shall be the duty of the collector of the said city before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Monroe.

Transcript of unpaid taxes to be returned to auditor gen'l. Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect from and after its passage.

Approved January 26, 1849.

[No. 17.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-eight, under an act to provide for the draining of swamps, marshes and other low lands; approved March seventeenth, eighteen hundred and forty-seven, and the acts amendatory thereto.

Time for collection of certain taxes extended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That the time for the collection of taxes in the townships of Riga, Ogden, Blissfield and Ridgeway, Lenawee county, under an act for the draining of marshes, swamps and other low lands, approved March seventeenth eighteen hundred and forty-seven, be extended one year from the first day of February next.

Duties of supervisors of Riga, Ogden Blissfield & Ridgeway. Sec. 2. The supervisors of the several townships of Riga, Ogden, Blissfield and Ridgeway, are hereby authorized and required to make out a transcript copy of so much of the assessment rolls of their respective townships, as relates to the taxes above mentioned, and shall attach thereunto a copy of the original warrant, and shall

deliver the same to the township treasurer or to his successor in office ; and which said transcript or copy, for the purposes of collecting said taxes shall have the same force and effect and shall be collected, returned and proceeded in, in all respects as if the same were an original assessment roll made under the provisions of existing laws.

Sec. 3. The treasurers of the several townships above mentioned are hereby required to pay to the treasurer of the said county on the first day of February next, all sums said treasurers may have collected under the acts hereby amended.

Duties of treasurers of said townships.

Sec. 4. This act to take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 18.]

AN ACT to authorize the construction of a free bridge across the Saint Joseph river, at or near the mouth of McCoy's Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Darius Jennings, William Broadherst and William Cotton, of the township of Niles, and William Harrison of the township of Buchanan, in the county of Berrien, be, and they are hereby authorized to construct a free bridge across the Saint Joseph river, at or near the mouth of McCoy's creek, in said county: *Provided*, said bridge shall be so constructed as not to obstruct the navigation of said river.

Free bridge across St. Joseph river authorized.

Sec. 2. The legislature may at any time hereafter alter, amend or repeal this act by a vote of two-thirds of the members of each house.

Amend't, repeal, &c.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 19.]

AN ACT to authorize Erie Prince and William H. Chillson, to build a dam across the Thornapple river, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Erie Prince and William H.

Dam across Thornapple river authorized.

Chillson, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Thornapple river, in the county of Kent, on section sixteen, in township six north of range ten west.

Height of
dam &c.

Sec. 2. Said dam shall not exceed six feet in height, and the occupant shall construct, at the time of the construction of said dam, therein or thereat, a convenient lock and sluice for the passage of boats, rafts, and other water crafts, at all times; and it shall be the duty of the owners of said dam at all times to keep said lock in repair and to pass any water craft through the said lock free of toll and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owner the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Damages
for detention
of boats
&c.

Rights re-
served to
the state.

Sec. 3. If, at any time hereafter, the water should be required to be drawn from said river for the purpose of Internal Improvement or navigation, it shall not be lawful for the said Erie Prince and William H. Chillson, or their heirs or assigns, to recover any damages therefor.

Rights re-
served to
owners of
land.

Sec. 4. Nothing in this act shall be so construed as to authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons, nor any school lands.

Trespasses
to dam, &c.

Sec. 5. Any person who shall destroy or in any wise injure said dam or lock, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure the said lock or dam shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, in the discretion of the court.

Sec. 6. The legislature may at any time, alter, amend or repeal this act.

Approved January 31, 1849.

[No. 20.]

AN ACT to extend the time for the collection of taxes for the year A. D. one thousand eight hundred and forty-eight, in the township of Monroe, county of Monroe.

Time for
collection of
taxes extend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the time for the collection*

of taxes in the township of Monroe, in the county of Monroe, is hereby extended to the first Monday of March next.

Sec. 2. The collector of said township is authorized and empowered to proceed and collect said taxes in the same manner as during the life time of his warrant, and to make returns to the county treasurer on or before the first Monday in March, one thousand eight hundred and forty-nine, and for that purpose, his warrant is hereby continued in full force until the said first Monday in March next: *Provided*, he first renews his official bond to the satisfaction of the treasurer of said county of Monroe.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed for the same time as other taxes, for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect from and after its passage.

Approved January 31, 1849.

[No. 21.]

AN ACT to provide for the collection of taxes in the township of Norton, county of Ottawa, for the year one thousand eight hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Norton, in the county of Ottawa, be and he is hereby authorized to make out a new and perfect tax roll from the assessment roll of the year A. D. one thousand eight hundred and forty-eight, for said township of Norton, between the time of the passage of this act and the tenth day of February next.

Sec. 2. Upon such roll being made out the said supervisor shall notify the township treasurer of the amount of state and county taxes apportioned to his township by the board of supervisors for the year eighteen hundred and forty-eight, and upon the delivery to said supervisor by said township treasurer, the receipt of the county treasurer, stating that he has received a satisfactory bond

Duty of collector.

Transcript of unpaid taxes to be returned to the Auditor Genl.

Supervisor of Norton to make new assessment roll for 1848.

Duties of supervisor and town treasurer.

from such township treasurer in that behalf, said supervisor shall deliver to said township treasurer the tax roll so made out by him, with the usual warrant of the supervisor thereto annexed.

Form and
requisites of
new war-
rant, &c.

Sec. 3. To such tax roll the supervisor shall annex a warrant under his hand for the collection of such taxes in the form prescribed by law, except that such warrant shall require the said township treasurer to account for and pay over said taxes on or before the first day of April next, and the said treasurer shall proceed under such warrant in the same manner and possess the same powers as under a warrant made at the time prescribed in the revised statutes, for the collection of the regular annual taxes, and shall make return to the county treasurer of all unpaid taxes upon his said roll in the same manner and with like effect.

Return of
unpaid tax-
es to auditor
general.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general, as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner and with interest computed from the same time as the annual taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

General tax
law appli-
cable to col-
lection and
return of ex-
tended tax.

Sec. 5. All the provisions of existing laws relating to the assessment, collection and return of taxes, shall, so far as the same may be applicable, apply to and govern the assessment, collection and return of the taxes in this act provided for, except so far as other provisions are herein made.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 31, 1849.

[No. 22.]

AN ACT to provide for the payment for wood, lights and other incidental expenses of the Legislature and state offices.

State audit-
ors authori-
zied to al-
low certain
accounts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of state auditors be and they are hereby authorized to contract for or purchase wood, lights, and necessary furniture for the legislative halls and state offices, from time to time, and to audit and allow the accounts for

the same, and accounts for making necessary repairs on the capitol and the house and grounds adjoining, belonging to the state, and also for a porter to take charge of the state offices in the capitol, and for transportation of packages to or from the state offices, for the payment of which the state would be liable, and for other necessary incidental expenses of said offices.

Sec. 2. Such accounts, when so audited and allowed, shall be charged by the auditor general to the appropriate accounts, and upon his warrant shall be paid from the state treasury from moneys belonging to the respective funds on which the warrant shall be so drawn.

Duty of Auditor Gen'l.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 23.]

AN ACT to amend an act entitled an act to revive the poor laws repealed by the revised statutes, in certain counties, approved March 17, eighteen hundred and forty-seven.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all moneys received by the clerk of each township, in the county of Wayne, under the provisions of section twenty-three, chapter forty-one of the revised statutes of 1846, shall be paid over by such clerk to the county treasurer within thirty days after the receipt thereof, and the county treasurer shall give the person paying such money a receipt for the amount paid, in the name of the township from which it was received, and said treasurer shall credit said township with the amount of money received, which shall apply on account of any charges made against such township for the relief and support of their poor, as is provided by law.

License money in Wayne Co. to be paid by town clerk to Co. treasurer &c. in 30 days.

Sec. 2. If any township in the county aforesaid, shall not be charged with the relief or support of any township poor by the time of the annual meeting of the board of supervisors in each year, or if the charges made by the county treasurer against any township do not amount to the sum or sums paid into the treasury by such township, then the balance found due each township respectively up to that time, shall be deducted from the amount of

Townships not charged with township poor, until a deduction of state & Co. tax.

state and county tax apportioned to each of the respective townships to which the county treasury stands indebted.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 24.]

AN ACT to extend the time for the collection of taxes in the township of La Salle, in the county of Monroe.

Time for
collection of
taxes extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes for the year eighteen hundred and forty eight, in the township of La Salle, in the county of Monroe, is hereby extended to the fifteenth day of March next.

Duties of
township;
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return any time before the fifteenth day of March next, and his said warrant is hereby continued in force until the said fifteenth day of March: *Provided*, He shall first renew his official bond to the satisfaction of the treasurer of the said county of Monroe.

Return of
unpaid taxes
to auditor
general.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions shall be returned to the auditor general as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 25.]

AN ACT to amend an act entitled an act to incorporate the Monroe and Saline plank road company.

Monroe and
Saline plank
road company
amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second section of an act

entitled an act to incorporate the Monroe and Saline plank road company, approved April third, one thousand eight hundred and forty-eight, be amended by striking out the words "the city of Monroe," and inserting in place thereof, the words "any point within the city of Monroe."

Sec. 2. This act shall take effect from and after its passage.

Approved, February 9, 1849.

[No. 26.]

AN ACT to authorize the Commissioner of the State Land Office to sell certain University Lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* the commissioner of the state land office be, and he hereby is authorized and directed to sell at public auction, as hereinafter prescribed, in such lots or parcels as he may deem best for the interest of said fund, the lands belonging to the university fund situated near Toledo, in the state of Ohio, known as lots numbered seven, (7,) eight, (8,) nine, (9) and ten, (10,) in the United States reserve of twelve miles square, lying on the Maumee river.

Com'r state land office authorized to sell university land at Toledo.

Sec. 2. It shall be the duty of the said commissioner to cause the said lands to be appraised prior to the sale thereof, by three disinterested persons, residents of this state, under oath, and he shall give public notice of the time, place and terms of such sale, by notices published in the newspapers printed at Toledo, and in the "Detroit Commercial Bulletin," "Detroit Daily Advertiser," and the "Monroe Advocate," thirty days at least prior to the day of such sale: and he may adjourn such sale from time to time, as often as he shall think proper, giving notice of the same as above prescribed.

Duties of commiss'r; notice of sale, &c.

Sec. 3. The said lands shall not be sold at a less price than their appraised value as herein prescribed, nor in any case for a less sum than twelve dollars per acre, and the terms of payment therefor shall be as follows: one-third of the purchase money to be paid on the day of sale, and the residue thereof in two equal instalments with interest thereon at the rate of seven per centum per annum, to be paid on the first day of March, in the two years next thereafter: and in case of the non-payment by the purchaser or his assigns, of

Lands to be sold at a minimum—terms of payment, &c.

any part of such principal or interest at the time when the same shall become due and payable, then the sale to such purchaser, and the certificate issued thereupon, shall, from the time of such default, become null and void and of no effect; and the said commissioner may take possession of such forfeited lands and re-sell the same under the provisions of this act.

Certificates
of purchase
to be given.

Sec. 4. The said commissioner shall give to the purchaser at any sale made under the provisions of this act, a certificate in the usual form as near as may be, specifying the lands sold, the quantity, price per acre, and the consideration paid and to be paid, together with the time and terms of payment, and the condition of sale and forfeiture, as herein prescribed; and all provisions of law regulating the sale of university lands not conflicting or inconsistent with the above provisions, shall apply to all such sales as may be made by virtue of this act.

Approved February 9, 1849.

[No. 27.]

AN ACT to authorize the Commissioner of the State Land Office to sell certain primary school lands.

Sec 16 T 5 S
R 7 W to be
sold by com-
mis'r state
land office.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be and he is hereby authorized to sell, if he should think best, at public auction, section sixteen, in township five south of range seven west, in such subdivisions as he may deem for the best interest of the state, in lots not less than forty acres each, and at a minimum price of not less than six dollars per acre.

Notice of
time & place
of sale.

Sec. 2. The said commissioner, before offering said lands for sale at public auction as aforesaid, shall cause a notice to be published in the state paper, and also in some newspaper printed in the county where said lands are situated, for six successive weeks previous to said sale, describing said lands so to be offered for sale, and stating therein the time and place where said lands will be so offered, and said commissioner may adjourn said sale from time to time, at his discretion, if he shall deem it for the best interests of the primary school fund.

When to be
sold at pri-
vate sale &
at what
price.

Sec. 3. In case the said commissioner shall fail to sell the whole of said section sixteen or any part thereof at public auction as aforesaid

said, the said commissioner is authorized to sell the remainder or any part thereof at private sale to any individual applying for the same: *Provided however*, The same shall not be sold for less than the minimum price above stated.

Sec. 4. The payments for said lands shall be governed by the same laws and regulations which are now in force concerning primary school lands. Terms of payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 9, 1849.

[No. 28.]

AN ACT to authorize Wilkes W. Durkee, of the county of Oakland, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Wilkes W. Durkee, a minor, of the county of Oakland, in the state of Michigan, be and he is hereby authorized and empowered to sell and convey the following described piece or parcel of land, situate and lying in the county of Genesee and state of Michigan, viz: the east half of the south west quarter of section twenty eight, in the township of Mundy, and county of Genesee, as aforesaid, according to the United States survey, in as sufficient and ample a manner as if said Wilkes W. Durkee were of full age: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Oakland, shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same.

W W Durkee authorized to convey certain lands with consent of prob'e judge of Genesee county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1849.

[No. 29.]

AN ACT to authorize the Supervisor of the township of Fairfield in the county of Lenawee, to renew the warrant for the collection of the taxes in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Fairfield, in the county of Lenawee, be, and he is hereby

Supervisor of Fairfield to issue new warrant for taxes of 1848

authorized and empowered to issue a new warrant to the township treasurer of said town for the collection of the balance of taxes remaining uncollected in said township in consequence of the sickness of said township treasurer, which said warrant shall require the said treasurer forthwith to collect all such taxes as may remain unpaid on the tax list in his hands, and pay over all such portions thereof as were assessed for state and county purposes, to the treasurer of the said county of Lenawee, on or before the fifteenth day of April next; and for that purpose, the said township treasurer shall be vested with all the powers, and subject to the same liabilities as upon the original warrant.

Duties of supervisor and own treasurer.

Sec. 2. Before the warrant above mentioned shall be delivered by the supervisor of said town of Fairfield, to the treasurer of said township, such treasurer shall execute and deliver to the county treasurer of said county, a new bond, in double the amount of such taxes remaining unpaid, to be approved by such county treasurer and conditioned, that the said township treasurer shall account for and pay over to such county treasurer, the amounts specified in the assessment roll and tax list annexed to the warrant in his hands, for state and county purposes, on or before the fifteenth day of April next.

Return of unpaid taxes

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 10, 1849.

[No. 30.]

AN ACT to amend section seven, of chapter one hundred and forty-one of the revised statutes, in relation to the punishment of fraudulent debtors.

Sec. 7 chap 141 of R. S. amended 1.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of chapter one hundred and forty-one of the revised statutes be, and the same is hereby

amended, by striking out of the twelfth line the words "or without," between the words "with" and "surety," and the words "at his discretion," between the words "surety" and "from," and by adding to the end of said section, to stand as a part thereof, the words "and conditioned that said defendant will not meanwhile, secrete, destroy, dispose of or in any manner make way with or put out of his possession any of his property not exempt from sale on execution."

Sec 2. This act shall take effect within thirty days from the passage of the same.

Approved February 13, 1849.

[No. 31.]

AN ACT to provide for laying out a State road from Mason to Dexter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Dunning, Franklin Larue and Robert Glenn, be, and are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Mason in Ingham county, on the most eligible route through the villages of Stockbridge, and East Unadilla, to the village of Dexter in Washtenaw county.

Comm'rs to lay out state road from Mason to Dexter.

Sec. 2. The above named commissioners shall file so much of the survey of the above named road in the office of the township clerk of each township through which the said road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books and post the notice required by law.

Survey to be filed in each town.

Sec. 3. That it shall be the duty of the commissioners of highways of the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law, as township roads are required to be opened and worked.

Duties of highway comm'rs.

Sec. 4. The state shall not be liable for any expense incurred, or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act, shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

State not liable for expenses or damages.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 32.]

AN ACT to incorporate the New Buffalo and Laporte plank road company.

New Buffalo and Laporte plank road Co. incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Isaac O. Adams, George W. Allen, A. Bennett, L. N. Bowsby and Edwin Ballingee be and they are hereby appointed commissioners, under a majority of whom, subscriptions may be received to the capital stock of the New Buffalo and Laporte plank road company, and the subscribers thereto with such other persons as shall associate themselves with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the New Buffalo and Laporte plank road company, with corporate succession.

Route of road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of New Buffalo in the county of Berrien, on the most eligible route to some point on the southern line of the state of Michigan, the said road running in the direction of Laporte, in the county of Laporte, state of Indiana.

Capital stock

Sec. 3. The capital stock of said company shall be five thousand dollars in one hundred shares of fifty dollars each.

Duration of charter, its amendment, &c.

Sec. 4. This act shall be and remain in force for the term of six-ty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided,* There be no violation of the charter of said company.

Proviso.

General provisions.

Sec. 5. The provisions of an act relative to plank roads, approved

March thirteenth, one thousand eight hundred and forty-eight shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved February 13, 1849.

[No. 33.]

AN ACT to amend chapter one hundred and fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, in relation to forgery and counterfeiting.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four, of chapter one hundred and fifty-five of the revised statutes of eighteen hundred and forty-six, be, and the same is hereby amended by inserting after the word "state," in the fourth line of said section, the words following, to wit: "or in any of the British provinces of North America, or in any other state or country."

Sec 4 chap 155 of R S amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 34.]

AN ACT to extend the time for the collection of certain taxes in the township of Burns, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Burns, in the county of Shiawassee, be and he is hereby authorized and empowered to make out a new assessment roll and tax lists for taxes of the year eighteen hundred and forty-eight, in said township, on or before the first day of March next.

Supervisor of Burns to make new warrant for taxes of 1848

Sec. 2. The township treasurer shall be notified by the supervisor within six days thereafter that said tax list is ready, and of the amount of state and county tax assessed therein, and upon his giving bonds as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list with a warrant commanding him to collect, account for and pay over the taxes in said list as is provided by law, except as to time, which shall be on or before the first day of April next.

Duties of supervisor and town treasurer.

Return of
unpaid taxes.

Sec. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Burns, may be forwarded to the auditor general at any time on or before the first day of May next; and the same shall be collected and interest computed as is provided by law for other delinquent taxes of eighteen hundred and forty-eight.

Duties of
town treasurer.

Sec. 4. The treasurer of said township of Burns, upon the receipt of the tax list and warrant provided for in this act, shall give credit for all taxes which shall have been received on an informal tax list for the year eighteen hundred and forty-eight, to the several persons who shall have paid the same, and the remainder of said taxes shall be collected, returned and proceeded with, in all respects as other taxes for eighteen hundred and forty-eight, except as otherwise provided in this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 35.]

AN ACT to authorize the supervisor of the township of Bridgeport, in the county of Saginaw, to renew the warrant for the collection of the taxes in said township.

Supervisor
of Bridge-
port to issue
new warrant
for taxes of
1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Bridgeport, in the county of Saginaw, be and he is hereby authorized and empowered to issue a new warrant to the township treasurer of said town for the collection of the balance of taxes remaining uncollected in said township, which said warrant shall require the said treasurer forthwith to collect all such taxes as may remain unpaid on the tax lists in his hands, and pay over all such portions thereof as were assessed for state and county purposes, to the treasurer of the said county of Saginaw, on or before the fifteenth day of March next; and for that purpose, the said township treasurer shall be vested with all the powers, and subject to the same liabilities as upon the original warrant.

Petition of
supervisor and
treasurer.

Sec. 2. Before the warrant above mentioned shall be delivered by the supervisor of said town of Bridgeport to the treasurer of said township, such treasurer shall execute and deliver to the coun-

ty treasurer of said county, a new bond, in double the amount of such taxes remaining unpaid, to be approved by such county treasurer, and conditioned that the said township treasurer shall account for and pay over to such county treasurer, the amounts specified in the assessment roll and tax list annexed to the warrant in his hands, for state and county purposes, on or before the fifteenth day of March next.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned ^{Return of unpaid taxes.} to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 36.]

AN ACT to extend the time for the collection of taxes in the township of Pontiac, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and forty eight, is hereby extended until the first Monday of April next. ^{Time for collection of taxes extended.}

Sec. 2. The treasurer of said township of Pontiac is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the life time of his warrant, and make his return at any time on or before the first Monday of April next, and his said warrant is hereby continued in force for the purposes aforesaid until the first Monday of April next. ^{Duties of town treasurer.}

Sec. 3. It shall be the duty of the treasurer aforesaid before he shall be entitled to the benefits of this act, to pay over all moneys collected in the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Oakland. ^{Ibid.}

Sec. 4. A transcript of all unpaid taxes returned to the county ^{Return of unpaid taxes.}

treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner and with interest computed from the same time as the annual taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 37.]

AN ACT to incorporate the Tecumseh Literary Institute.

Tecumseh
Literary In-
stitute in-
corporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Sirrell C. Le Baron, Alonzo B. Palmer, Increase S. Hamilton, Salmon Crane, Stillman Blanchard, Perley Bills and Charles Spafford, and their successors in office, be, and they are hereby constituted and declared a body corporate under the name and style of the "Tecumseh literary institute," subject to the provisions relating to corporations, contained in chapter fifty-five of the revised statutes of 1846, and such amendments thereof as may from time to time be made by the legislature.

Gener'l pro-
visions.

Objects and
powers of
corporation.

Sec. 2. The persons named in the preceding section, and their successors in office shall have power, and they are hereby authorized to establish and continue in Tecumseh, in the county of Lenawee, an institution of learning for the instruction of persons in the various branches of literature and the arts and sciences; and to establish rules and by-laws for the government and management of the same, provided, such rules and by-laws are not inconsistent with the constitution and laws of the United States, or of this state, and shall faithfully apply all funds or other property, received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus, necessary or proper for the successful prosecution of study in such institution.

Powers and
liabilities of
Trustees.

Sec. 3. Said board of trustees shall be in law capable of acquiring and holding by purchase, gift, grant, devise or bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dol-

lars, for the use of said corporation and no other, and shall further hold for the use of said corporation, any estate, real or personal, heretofore conveyed to the members of the said board for that purpose, and shall be held liable for all debts of said corporation, as partners in trade, after the corporate property shall have been exhausted.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 38.]

AN ACT to provide for the support of the poor in the counties of Calhoun and Van Buren, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter thirty eight of the revised statutes of one thousand eight hundred and forty six, be and the same is hereby revived and made of force in the counties of Calhoun and Van Buren. Chap 38 of R. S., revived for Calhoun & Van Buren counties

Sec. 2. The board of supervisors of each of said counties of Calhoun and Van Buren may impose a tax upon the property of such county, or adopt such other measures as they shall deem most advisable to meet and defray the expenses incurred since April third, eighteen hundred and forty eight, in the support and maintenance of the poor of said county. Power of supervisors of said counties.

Sec. 3. William Farley, Cholett Cady and James M. Parsons are hereby designated as superintendents of the poor for said county of Calhoun, during the current year. Sup'ts of poor for Calhoun Co.

Sec. 4. Jay R. Monroe, Charles M. Morrell, and Jeremiah H. Simmons are hereby designated as superintendents of the poor for said county of Van Buren for the current year. Sup'ts for Van Buren county.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 14, 1849.

[No. 39.]

AN ACT to attach a part of the township of Rives, in the county of Jackson, to the township of Henrietta.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township Part of the town of Rives attached to Henrietta.

of Rives, in the county of Jackson, which is east of a line commencing on the base line, at the section line between sections two and three in town one south of range one west, and running thence south on the section line to the south east corner of section ten, in the town aforesaid, thence west on the south line of said section ten to Grand river, and thence up said river to the south line of said township of Rives, be and the same is hereby attached to and made a part of the township of Henrietta.

Rights and liabilities of portion so attached.

Sec. 2. That portion of the township of Rives hereby attached to and made a part of the township of Henrietta, shall be entitled to and be liable for all moneys that the township of Rives may receive or pay on account of said portion of said township.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1849.

[No. 40.]

AN ACT to amend an act entitled an act to incorporate the Monroe and Erie Plank Road Company.

Monroe and Erie plank road company, terminus changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second section of an act entitled "an act to incorporate the Monroe and Erie plank road company," approved April third, one thousand eight hundred and forty-eight, be amended by striking out the words "village of Vienna," in the fourth line, and inserting in place thereof, the words "state line of Ohio;" also section five be so amended by striking out in the fourth line, the words "village of Vienna," and inserting in place thereof, "state line of Ohio."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1849.

[No. 41.]

AN ACT to enlarge the corporate limits of the city of Detroit.

Boundaries of district attached to city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district of country con-

tained within the following limits, to wit: beginning at a point on the national boundary line in the Detroit river, directly opposite and in a line with the westerly or lower line of the Jones farm, (so called) on private claim number two hundred and forty-seven, and now being the lower boundary of said city of Detroit, thence in a straight line northerly in the course of the said lower line of the Jones farm, until it intersects the rear or northerly boundary line of said city, thence westerly on the line and in the course of the rear or northerly boundary line of private claims number twenty-three, (Forsyth farm) number two hundred and forty-six, (or La Brosse farm) and number twenty-four, (or Baker farm) to a point on the easterly or upper line of private claim number twenty-four and known as the Woodbridge farm, in the township of Springwells; thence southerly and in the course of and on said upper line of said Woodbridge farm to a point on the said national boundary line in the Detroit river, thence on said boundary line to the place of beginning, be, and the same is hereby annexed to, and made part of the township and city of Detroit; and that the said district hereby annexed, and the inhabitants thereof, be and they are hereby made subject to the provisions and shall be entitled to all the rights, privileges and franchises created or conferred by the several acts of the legislative council of the late territory of Michigan, or of the legislature of the state of Michigan, relative to the city of Detroit, now in force or hereafter to be created, and the by-laws and ordinances lawfully made and now in force or that may hereafter be made under the authority of said several acts, shall have full force and effect within the said district from and after the day on which this act is to take effect and be in force: and from and after that day, the said district shall not be subject to the regulations or government of the township of Springwells.

Rights and
liabilities of
inhabitants.

Sec. 2. The district by this act annexed to the city of Detroit, ^{8th Ward.} shall be, and is hereby established the eight ward of said city; and said ward is hereby attached to and made a part of the first assessment district of the city of Detroit.

Sec. 3. There shall be elected in said eighth ward at the next charter election of the city of Detroit, and annually thereafter, one tax collector and one constable, who shall respectively have the same rights and authority, and in all respects be subject to the same requirements, duties and responsibilities as other tax collectors

Collector &
constable to
be annually
elected in &
for said
ward.

and constables of said city now by law respectively have and are subject to.

1st election. Sec. 4. The first election in said eighth ward shall be at the house of P. McLaughlin on Fort-street, in said ward, on the first Monday of March next, and the electors of said ward who are present, shall at nine o'clock on the morning of said day, at the said place of election, elect viva voce, two of their own number to act as inspectors of said election, who with the assessor of said ward, to be appointed as hereinafter provided, shall be the inspectors of said election, and shall first be sworn rightfully to discharge the duties as such inspectors, which oath may be administered by any of such inspectors to the others; and said inspectors may appoint any elector of said ward with full authority to act as constable at and about the polls of said ward, during said election day.

Inspector elected, &c.

Aldermen. Sec. 5. At said election there shall be elected by the electors, two persons to serve as aldermen of said ward in the common council of the city of Detroit, one of whom shall be elected to serve for one year, and the other for two years, and on the ballots shall be designated the term of service designated for each candidate for said office, and the persons having a plurality of such ballots shall be elected for the respective terms aforesaid, and thereafter the election for alderman in said ward shall take place as in the other wards of said city. The aldermen elected as above, shall enter upon their duties on the second Monday of April next.

Assessors to be appointed by common council. Sec. 6. The common council of said city shall appoint some discreet person from the electors of said ward, who shall take the same oath as is required of other ward assessors, and he shall perform in said ward and city, all the duties required of a ward assessor, and shall be entitled to the same compensation; and such assessor shall serve until the district assessors to be elected at the next charter election, shall enter upon their office.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 20, 1849.

[No. 42.]

AN ACT to amend the Charter of the City of Detroit-

Detroit charter officers elective. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the corporation officers of the

city of Detroit, who are hereinafter named, may, hereafter, at the annual charter election, be annually elected by the qualified electors of said city, and by a plurality of votes, viz: One recorder, one attorney, one clerk, one treasurer, one marshal, one superintendent of the water works, one physician, one director of the poor, one sexton, one clerk for each public market, one surveyor, three inspectors of fire wood, and as many other such inspectors as shall from time to time be directed by the common council, two weigh masters, and as many other such weigh masters as shall from time to time be directed by the common council.

Sec. 2. There shall be elected annually, at the time aforesaid, one supervisor in and for each road district of said city, and one collector in and for each ward of said city, and one assessor in and for the seventh ward of said city.

Sec. 3. The assessment districts in said city as the same were formed by the common council, in pursuance of an act entitled "an act to amend the charter of the city of Detroit," approved February 23, 1848, shall be continued, except that the seventh ward in said city shall be annexed to and hereafter constitute a part of the second assessment district. And the assessors elected in the years 1847 and 1848, in pursuance of said recited act shall be deemed to be in and continue to hold their offices for the term for which they were elected, and the assessors for the first, second, third, fourth, fifth and sixth wards of said city, respectively, shall hereafter be elected at the periods, in the manner and for the term prescribed in the second section of said recited act, and so much of that section as provides for such election is hereby revived.

Sec. 4. The assessors from the wards in each of said districts shall, on or before the first Monday of March, in every year, or within such other time as the common council of said city may direct, jointly appraise all the real and personal estate, and make out the assessment rolls of all the taxable persons and property, in their respective districts, making a separate roll for each of the wards of such district; and when any lot or lots shall be partly in two or more districts, the same shall be assessed in the district where the greater part of such lot or lots are situate, provided that such as

assessment shall not conflict with any corporate rights now vested by existing laws.

City assessments to be adopted for state and county purposes. Sec. 5. The assessments so made as above provided, shall be taken and adopted as the regular assessments for the county and state taxes throughout said districts.

Duties of collectors. Sec. 6. It shall be the duty of said collectors respectively, to collect: the city and school taxes and the county and state taxes in and for their respective wards, and account for the same as required by law: They shall be required to give bonds in such manner, and be entitled to such compensation as may be prescribed by law for township officers doing similar duties; provided that for the collection of the city and school taxes, they shall be entitled to take and receive only such compensation as may be fixed and allowed therefor by the common council. Sections seventeen, eighteen, nineteen, twenty, and twenty one of an act entitled "an act to amend the charter of the city of Detroit," approved February 22, 1848, are hereby repealed.

Certain sections of charter repealed.

Qualifications of electors, &c. Sec. 7. The provisions of the charter of said city, respecting the qualifications of electors and officers, the notice, conduct and determination of election and vacancy in, and removal from office, shall apply to elections held under this act: *Provided*, That in all elections in said city, the assessor of each ward shall constitute one of the board of inspectors of election; and in case of his absence from any cause, his place may be supplied in the same manner as is prescribed by law in similar cases: *Provided further*, The first election of officers, had under the provisions of this act, may be held after four days' notice thereof has been given, any act or parts of acts to the contrary notwithstanding.

Notice of 1st election.

Terms of office.

Sec. 8. The term of said offices shall be one year, to commence and be computed from the time assigned for holding the annual charter election, and they shall continue in office until their successors shall be elected and qualified: provided that the term of the attorney and clerk, shall commence and be computed from the first Monday in April after such election. Provided also, the persons now holding said offices may continue therein, until their successors are elected and qualified under this act, nothing in this section contained, shall however be taken as applying to the term of office of the

assessor elected under the above section three, and section two, therein recited.

Sec. 9. Said officers shall take and file the oath of office, and give bonds for the performance of their duties agreeably to the law or the by-laws, ordinances or resolutions of the common council, as the case may be; and the compensation of said officers shall not be diminished after their election and during the term for which they were elected.

Oaths and bonds and compensation of officers.

Sec. 10. Said officers respectively shall perform such duties and be subject to such liabilities as are, or may be, from time to time, prescribed by law, or by the by-laws, ordinances, or resolutions duly passed by the common council, as the case may be.

Duties of officer.

Sec. 11. The common council, by a vote of two-thirds of all the members elected, may remove any ministerial officer of said city, for sufficient cause, and the proceedings in that behalf, shall be entered on their journal; provided that the common council shall previously cause a copy of the charges preferred against the officer sought to be removed, and notice of the time and place assigned for hearing the same, to be served on him, ten days at least, previous to the time so assigned.

Common council may remove from office, &c.

Sec. 12. The common council shall continue to have the same power they now have, to fill all vacancies that may happen in any ministerial office; and the person appointed to fill such vacancy, may continue in office for the period which his predecessor had to serve, and in case of temporary inability by reason of sickness or otherwise, of any officer, to perform the duties of his office, the common council may appoint some suitable person in his place, who shall discharge the duties of such office during the inability of such officer.

Vacancies, how filled.

Sec. 13. If the electors shall at any charter election fail to elect an city, district or ward officer, by reason of two or more persons having received an equal number of votes, the common council shall, as soon as may be, cause the names of each of such persons to be written on separate slips of paper, and deposited in a box or other proper place, and the person acting as presiding officer of the council, shall draw out of said box or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is thereon, shall be deemed entitled to hold the office for which he

Provision in case of tie votes.

received said votes in the same manner as other officers duly elected.

Previous.

Provided however, That in lieu of the forgoing proceedings, the common council may order a new election to be held, and if so ordered, notice thereof shall be given and the election conducted as in other cases.

Powers, duties and compensation of officers.

Sec. 14. The common council shall have power to prescribe the powers, duties and compensation of all ministerial officers of said city, in cases where the same are not prescribed by law.

Sec. 15. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved February 21, 1849.

[No. 43.]

AN ACT for the relief of the Trustees of the First Society of the Methodist Episcopal Church of Lapeer, Lapeer county.

Preamble.

Whereas, The appointment of the trustees of the first society of the Methodist Episcopal church in the township of Lapeer, in the county of Lapeer, was not made by Duncan McGregor, the preacher in charge, under seal as required by law: And *Whereas,* The trustees of said first society have purchased real estate for said church, and built a house thereon for public worship: Therefore,

Appointment of trustees of 1st M. E. Church of Lapeer, legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the appointment in writing, of the trustees of the first society of the Methodist Episcopal church of Lapeer, in the county of Lapeer, and state of Michigan, by Duncan McGregor, the preacher in charge, be, and the same is hereby declared to be as legal and effective in law and equity as if the said appointment was made under seal, and shall be so deemed and declared in all courts of law and equity in this state. That all of the acts of the trustees under and by virtue of said appointment, shall be as binding in law and equity, as they would have been if said appointment had been made under seal; *Provided,* that nothing herein contained shall in any wise affect the rights of third persons accrued prior to the passage of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 22, 1849.

[NO. 44.]

AN ACT to enlarge the powers of the District Board of School District number one, in the township of Jackson, in Jackson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board of School District number one, in the township of Jackson, in Jackson, be, and they are hereby authorized and empowered, upon a classification of scholars of said district, in pursuance of section ninety-three, of chapter fifty-eight of the revised statutes of 1846, to discriminate, in their discretion, as to the price to be paid upon the rate bills, for teachers' wages by scholars in the different departments of said school, so that scholars in the higher departments may be required to pay more than those in the lower departments thereof.

Powers of
Dist. Board
S. D. No. 1,
Jackson en-
larged.

Sec. 2. The rate bills made out in accordance with the provisions of the preceding section, shall have the same binding force and effect as rate bills made out under the provisions of chapter fifty-eight of the revised statutes of 1846, and sections fifty-seven and fifty-eight of said chapter fifty-eight shall apply to all departments in the school in said district.

Rate bills.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1849.

[No. 45.]

AN ACT to amend an act entitled "An act to incorporate the Mt. Clemens and Romeo plank road company," approved April 3, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of an act to incorporate the Mt. Clemens and Romeo plank road company, as amended.

Mt. Clemens
and Romeo
plank road
company
charter a-
mended.

proved April 3, 1848, be, and the same is hereby repealed.

When company may erect toll gates, &c.

Sec. 2. Whenever the said company shall have completed two miles of said road, from the point of termination in the village of Mt. Clemens, the said company is hereby authorized and empowered to erect toll gates upon the same, and to charge, collect and receive tolls for traveling upon the same, pro rata, according to the distance, pursuant to the act relative to plank roads, approved March 13, 1848: *Provided*, said company shall finish two and one half miles of said plank road, in each and every succeeding year after the erection of said gates.

Time for commencing proceedings &c., extended for 2 yrs.

Sec. 3. The time for commencing proceedings, opening books, and receiving subscriptions under the act to which this act is amendatory, is hereby extended for the term of two years from and after the passage of this act; and all proceedings heretofore had by said company under the provisions of the act to which this act is amendatory, for the purpose of constructing the road therein mentioned, are hereby declared to be legal, so far as the same has been conducted in conformity to the provisions of the act to which this is amendatory, and to the act entitled "an act relative to plank roads," approved March 13, 1848, and shall have the same force and effect as if commenced within six months from the third day of April, eighteen hundred and forty-eight.

General provisions.

Sec. 4. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be, and are hereby made a part of this act, and of the act to which this act is amendatory, except so far as the provisions of the said act relative to plank roads, may contravene the provisions of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1849.

[No. 46.]

AN ACT to authorize Norman A. Harrington, of the county of Ingham, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Norman A. Harrington, a minor, of the county of Ingham, and state of Michigan, be, and he is hereby authorized and empowered to sell and convey all his interest in and to the following described pieces or parcels of land, situate, lying and being in the county of Ionia, and state of Michigan aforesaid, viz: "commencing at the west corner of what is known as the old grist-mill building on lot number eight (8) in the village of Portland, thence southerly along the west side of said building to the south corner of said building, thence easterly along the race of said mill to Grand river, thence along the Grand river westerly to the upper or west end of what is recorded as the hydraulic reserve, thence along the south end of said reserve to Canal street, opposite to lot number forty-eight, (48) thence along Canal and Water streets to the place of beginning, including the whole hydraulic reserve, with all the water power belonging to the said piece or parcel of land above described, with the right of flowing banks, as secured in former deed executed by Martha A. Wadsworth and Oscar P. Shoff;" "also two and an half acres of land situated at the south end of the mill-dam erected by A. S. Wadsworth, being the same two and a half acres reserved by said Wadsworth in his deed to Cyrus Curtis, out of the south-east fraction of the north-west quarter of section thirty-three. (33) in town six (6) north of range five (5) west, in as good, sufficient and ample manner as if said Norman A. Harrington were of full age: Provided, That no such conveyance shall be of any effect, unless the Judge of Probate of said county of Ionia shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same, and said approval shall be recorded with the deed.

Norman A. Harrington authorized to sell certain real estate under approval of prob'e judge of Ingham county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1849.

[No. 47.]

AN ACT to repeal Section Twelve of "An Act to amend the revised statutes of one thousand eight hundred and forty-six," approved April third, one thousand eight hundred and forty eight, and to restore section forty nine of chapter one hundred and fifty four of the Revised Statutes.

Act amended and sec. 49 chap. 154 of R S restored.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twelve of an "act to amend the revised statutes of eighteen hundred and forty six," approved April third, one thousand eight hundred and forty-eight, be and the same is hereby repealed, and section forty-nine of chapter one hundred and fifty-four of Revised Statutes is hereby revived and reinstated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1849.

[No. 48.]

AN ACT to authorize Townsend North to build a dam across Cass River.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Townsend North, his heirs or assigns, are hereby authorized and empowered to build and maintain a dam across the Cass river, on section seven, town eleven north, range seven east, in the county of Tuscola.

Description of dam.

Sec. 2. The said dam shall contain a convenient slide or sluice for the passage of logs, and the owners thereof shall, whenever the county court of said county, or of Saginaw county, shall so order, place in said dam a convenient lock not less than twenty feet wide and one hundred feet in length, for the passage of boats, barges and other water craft navigating said river: the owners of said dam shall keep said lock in good repair and shall pass all boats or other water craft through the same, free of toll or expense to the owner thereof and without delay; and any person who shall be so detained shall be entitled to recover of the said owners the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit.

Duties & liabilities of owners, &c.

Sec. 3. Any person or persons who shall destroy or in any wise injure said lock, dam or slide, shall be deemed to have committed a trespass against the owners thereof, and shall be liable accordingly; and any person or persons who shall wilfully and maliciously destroy or injure the said lock, dam or sluice, shall be deemed guilty of a misdemeanor, and on conviction, be punished by fine or imprisonment, in the discretion of the court.

Sec. 4. Nothing herein contained shall authorize the said North, his heirs or assigns, to enter upon or flow the lands of any other person or persons; and the legislature may, at any time, alter, amend or repeal this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 28, 1849.

[No. 49.]

AN ACT to authorize the Assessors of the second ward in the city of Monroe to levy a certain Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the assessor of the second ward in the city of Monroe, is hereby authorized and required to levy and enter upon the annual tax roll of said ward for the year one thousand eight hundred and forty-nine, in addition to the regular annual tax, the further sum of one hundred and forty-two dollars sixty-six cents, against and upon the following described property in said ward, to wit: stone house and lot bounded north by the river Raisin, south by front street, east and west by Primrose, which said sum of one hundred and forty-two dollars sixty-six cents shall be collected in the same manner and at the same time that the taxes for the year one thousand eight hundred and forty-nine are collected, and when so collected, shall be paid over as directed by the warrant of the assessor of said ward appended to the tax roll of the year one thousand eight hundred and forty-seven.

Approved February 28, 1849.

[No. 50.]

AN ACT to authorize Almeron Newman, James Newman, Peter M. Kind, Asa C. Davis, and William D. Disbro, to build a dam across Grand River, in the county of Ionia.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Almeron Newman, James Newman, Peter M. Kind, Asa C. Davis and William D. Disbro, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Grand river on section thirty-three in town six north of range five west, in the county of Ionia.

Duties of owners, &c.

Sec. 2. The owners or occupants of said dam shall construct a good and convenient lock, at least eighty feet long and eighteen feet wide, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and the said lock shall be so constructed as to receive such boats and other water craft in slack water, of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam for all the purposes of the navigation of said river at all times, whenever the circuit or county court shall order the same to be done upon good cause being shown: *Provided*, That at the time of the construction of said dam, there shall be constructed therein or thereat, a convenient shute or slide for the convenient passage of all craft navigating said river.

Ibid.

Sec. 3. It shall be the duty of the owners or occupants of said dam at all times to keep said lock and shute in good repair, and to pass any water craft through the dam free of tolls and without unnecessary delay; and any person who shall be detained, shall be entitled to recover of the said owners or occupants of said dam, double the amount of damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of the suit or suits.

Trespassers on dam &c.

Sec. 4. Any person who shall destroy or in any wise injure said dam, lock or sluice, shall be deemed to have committed a trespass on the owners or occupants thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure the said dam, locks or sluice, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment, in the discretion of the court.

• Sec. 5. Nothing herein contained shall authorize the persons named in the first section of this act, their heirs or assigns to enter upon or flow the land of any person or persons without their consent, and the legislature may at any time hereafter, alter, amend or repeal this act. Rights reserved.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 28, 1849.

[No. 51.]

AN ACT to amend an act entitled "an act to incorporate the New Baltimore and Romeo Plank Road Company," approved April 3, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act to incorporate the New Baltimore and Romeo plank road company, approved April 3, 1848, be, and the same is hereby amended by striking out in the first section thereof the names of "Aldis L. Rich," and "Asahel Buily," and insert therein the names of "Alfred Ashley, Junior," and "Joseph Hubbard," so that said section two, when amended, will read as follows: New Baltimore and Romeo plank road company charter amended.

"Section 1. Be it enacted by the Senate and House of Representatives of the state of Michigan, that Alfred Ashley, Alfred Ashley Junior, and Joseph Hubbard, be and they are hereby appointed commissioners under the direction of a majority of whom, subscriptions may be received to the capital stock of the New Baltimore and Romeo plank road company, and the subscribers thereto, and such persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the New Baltimore and Romeo plank road company, with corporate succession." Ibid.

Sec. 2. The second section of said act is hereby amended by striking out the words "St. Clair," in the third line of said section and inserting therein the word "Macomb," so that said section two, when amended, will read as follows :

"Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road and all necessary build- Ibid.

ings, from the village of New Baltimore, now Ashley, in the county of Macomb, on the most eligible route to the village of Romeo, in the said county of Macomb."

Ibid

Sec. 3. That said company are hereby authorized to erect toll gates on said road when the same shall be completed from the village of Ashley to the Fort Gratiot turnpike, and are hereby authorized and empowered to collect and receive tolls upon said road when so completed, pro rata, according to the distance, pursuant to the act relative to plank roads, approved March 13, 1848.

Sec repeal'd

Sec. 4. That section five of the act to which this act is amendatory, be and the same is hereby repealed.

Time for receiving subscriptions extended.

Sec. 5. That the time for commencing proceedings, opening books and receiving subscriptions under the act to which this act is amendatory, is hereby extended for the term of two years from and after the passage of this act.

General provisions.

Sec. 6. That the provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be and they are hereby made a part of this act, and the act to which this act is amendatory.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 28, 1849.

[No. 52.]

AN ACT to amend chapter thirty-eight of the revised statutes of eighteen hundred and forty-six.

Chap. 38 of R S amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter thirty-eight of the revised statutes of eighteen hundred and forty-six be, and the same is hereby amended by adding thereto a section to be numbered thirty-four, as follows:

Distinction between town and county poor may be restored in certain cases.

Sec. 34. Whenever, at the annual meeting of the board of supervisors of any county, two thirds of all the supervisors elected shall vote to restore the distinction between town and county poor, a record of such vote shall be made by the clerk of such county, and thereafter the system of maintaining the poor by townships, as it existed by law on the twenty-eighth day of February, A. D. one

thousand eight hundred and forty-six, shall be deemed as adopted and of force in such county: *Provided*, That by a similar vote of two-thirds, the supervisors of such county may restore the provisions of chapter thirty-eight of the revised statutes.

Sec. 2. That all monies received by the clerks of each township under the provisions of section twenty-three, chapter forty-one of the revised statutes of one thousand eight hundred and forty-six, shall be paid over by such clerk to the county treasurer within thirty days after the receipt thereof, and the county treasurer shall give the person paying such money a receipt for the amount paid in the name of the township from which it was received, and said treasurer shall credit said township with the amount of money received which shall apply on account of any charges made against such township for the relief and support of their poor as is provided by law.

License money rec'd by town clerks to be paid to Co. treasurer.

Sec. 3. If any township shall not be charged with the relief or support of any township poor by the time of the annual meeting of the board of supervisors in each year, or if the charges made by the county treasurer against any township do not amount to the sum or sums paid into the treasury by such township, then the balance found due each township respectively up to that time shall be deducted from the amount of state and county tax apportioned to each of the respective townships to which the county treasurer stands indebted.

Townships charged or credited with certain balance of license moneys.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1849.

[No. 53.]

AN ACT to provide for obtaining returns from the Prosecuting Attorneys of the several Counties in the State of Michigan, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the attorney general be, and he is hereby required to furnish to the several prosecuting attorneys in the state of Michigan all necessary blanks to enable them to make uniform reports in conformity to the provisions of the fifty-

Duty of attorney gen'l in furnishing blanks.

sixth section of chapter fourteen of the revised statutes of eighteen hundred and forty-six.

Approved March 1, 1849.

[No. 54.]

AN ACT authorizing the erection of a dam across Flat river.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Cyprian S. Hooker be and he is hereby authorized to erect and maintain a dam across Flat river, on section two, town six north of range number nine west.

Height and description of dam.

Sec. 2. That said dam shall not be more than five feet in height and shall have constructed therein a shoot or slide, so as to permit the free passage of all boats, rafts and other water crafts, navigating said river, which shoot or slide the said Cyprian S. Hooker, his heirs or assigns, shall keep in good repair.

Sec. 3. The legislature may at any time, alter, amend or repeal this act.

Rights of persons and of the university fund reserved.

Sec. 4. Nothing herein contained shall permit the said Hooker to enter upon or to flow the lands of any other person or persons, without the consent of such person or persons, *Provided*, That if the dam shall flow any part of the university lands, the said Hooker shall pay the minimum price per acre for the land so flowed; that said land shall be surveyed by the county surveyor of Kent county, at the request and at the expense of the said Hooker; and when said land shall be so surveyed, the said surveyor shall give to said Hooker a certificate under his official signature, setting forth the number of acres so flowed, and a description thereof, by routes and bounds, courses and distances, and upon presentation of said certificate, and payment for said lands, at the price aforesaid, to the commissioner of the land office, within nine months from the date of this act, the said Hooker shall be entitled to a certificate and patent, pursuant to the law regulating the sale of the university lands.

Sec. 5. If at any time hereafter, the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said Hooker, his heirs or assigns, to recover any damages therefor.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 2, 1849.

[No. 55.]

AN ACT to amend an act entitled "an act to incorporate the Flint and Saginaw Navigation Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three of an act entitled an act to incorporate the Flint and Saginaw navigation company be amended by inserting after the words "the Shiawassee river," "and the said company shall also have power to construct a canal, from some point on the Flint river, to some point on the Cass river, and to make such improvements in the Cass river as will render the same navigable, according to the provisions of this act."

Flint & Saginaw Navigation company charter amended

Sec. 2. That section six of said act be amended by striking out all of said section after the words, "if the said corporation shall not," and inserting the words "on or before the first day of October, in the year of our Lord one thousand eight hundred and fifty-two," expend one-tenth part of the capital stock in the works necessary for navigating said river, and within seven years thereafter complete the clearing, locking and daming of said river, so that it shall become navigable as aforesaid from the village of Flint to the mouth of said river, or by a canal to the Cass river, then said company shall forfeit all rights to so much of said river as shall not be improved.

Ibid.

Approved March 2, 1849.

[No. 56.]

AN ACT to amend the charter of the city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in addition to the tax now authorized to be levied by the charter of said city, the common council of said city shall have power in the manner prescribed by the said charter, or any amendment thereof, to cause to be levied and collected, a sum not exceeding sixteen thousand dollars, as follows:

Common council of Detroit authorized to levy certain tax.

for the year eighteen hundred and forty-nine, a sum not exceeding eight thousand dollars, and for the year eighteen hundred and fifty, a further sum not exceeding eight thousand dollars: *Provided*, That the consent of the taxable inhabitants of said city to the proposed levy, be first obtained at a public meeting of said taxable inhabitants, to be convened by the proclamation of the Mayor of said city: *And provided further*, That the said sums, or any part thereof, so raised, shall be applied in payment of the city debt, and the interest thereof, and to no other purpose.

Sec. 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

Approved March 2, 1849.

[No. 57.]

AN ACT relative to certain taxes in the township of Norton, in the county of Ottawa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the township of Norton, county of Ottawa, be and he is hereby authorized and required to credit William M. Ferry upon the tax roll now in his hands the sum of seventy-eight dollars sixty-five cents, at any time when the said Ferry shall pay the balance of the tax assessed and charged to him on the tax roll of said township, and when said balance shall be paid as aforesaid, it shall be the duty of the township treasurer to give to said Ferry a receipt in full for all taxes assessed upon his property in said township, for the year A. D. one thousand eight hundred and forty-eight.

Section 2. It shall be the duty of the proper officers of the township of Norton (as now organized by law, or as it may be hereafter organized) to assess upon all the taxable property of said township the said sum of seventy-eight dollars sixty-five cents, with the annual taxes of one thousand eight hundred and forty-nine, and that said township treasurer shall pay over all monies to the county treasurer, all the monies as directed by his warrant affixed to the said tax roll.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1849.

Township
treasurer of
Norton to
credit W M
Ferry with
cert'n sums.

Re-assess-
ment of said
sum.

[No. 59.]

AN ACT to attach certain portions of the township of Hamtramck in the county of Wayne, to the township of Grosse Point, in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That all that part of the township of Hamtramck, lying east of a line commencing at a point on the Detroit river where the westerly line of private land claim number seven hundred and twenty-five, "according to a plat made by E. A. Hathon," touches said river, thence following said westerly line north-westerly, to the south line of fractional section number twenty-two, thence along said south line, easterly to the east line of said section, thence northerly along said east line, and along the east line of section number fifteen, to intersection with the present boundary line of said township of Grosse Point, shall be, and the same is hereby set off from the township of Hamtramck, and attached to the township of Grosse Point, in said county of Wayne.

Portion of Hamtramck attached to Grosse Point

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1849.

[No. 59.]

AN ACT requiring the Commissioner of the State Land Office to make an Annual Report to the Regents of the University of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioner of the land office shall make out and transmit to the secretary of the board of regents of the university, by the first day of July next, an accurate statement of each and every parcel of university land that shall have been sold up to that date, and the price for which it was sold. Also, of all forfeitures and re-sales, with an amount of the loss or gain attending such forfeitures and re-sales, and also, an amount or list of each parcel of university land unsold.

Commissioner's state land office to make report to sec'y of board of regents.

Sec. 2. Said commissioner shall annually thereafter, report to the board of regents. all sales and forfeitures of university lands, with an amount of the receipts and expenditures attending the same.

Annual report to regents.

Ibid. Sec. 3. Said commissioner shall also report annually, the expenses lawfully charged to and deducted from the university interest fund, together with the nett income.

Ibid. Sec. 4. Said commissioner shall with each of his reports, furnish an accurate statement of all monies loaned from said fund, to whom loaned and when payable, with the interest annually paid thereon, and the annual interest due and unpaid. Also, the amount of internal improvement warrants paid for university lands, with the annual interest paid thereon by the state.

Regents entitled to copy of statutes. Sec. 5. The regents of the university shall severally be entitled to receive from the secretary of state, in the same manner as other public officers, a copy of the annual laws of the State.

Sec. 6. This act shall be in force from and after its passage.

Approved March 3, 1849.

[No. 60.]

AN ACT to Incorporate the "Northville Hydraulic Company."

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Alonzo Plumsted, Abram A. Gardner, Sylvester Cochrane and Stephen Amsbarree, their successors and associates, are hereby created for the term of twenty-five years, from and after the first day of January eighteen hundred and forty-eight, a body corporate by the name of the "Northville hydraulic company," for the purpose of supplying the village of Northville, in the county of Wayne, with water from a spring about one mile distant from said village, capable of exerting all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in the statute, prescribing the general provisions for corporations, except so far as the same may be modified and controlled by the terms of this enactment.

Capital stock Sec. 2. The capital stock of said corporation shall not exceed the sum of five thousand dollars in shares of ten dollars each, transferable on the books of said company, and in such manner as may be provided by the by-laws thereof.

Powers and objects of company. Sec. 3. Said company hereby created shall have power to conduct water from said spring into said village of Northville, under ground, along the highway and streets of said village on the lands

of the persons owning the same, between said spring and said village of Northville: *Provided*, They first obtain the consent of the owners of said spring and said lands.

Sec. 4. Said corporation shall have a treasurer and clerk and such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such terms as the by-laws of said corporation may prescribe. The clerk shall be sworn to the faithful discharge of his duties as the same may be prescribed in said by-laws, and the treasurer shall give bond in such a sum and with such sureties as said by-laws may prescribe, for the faithful discharge of his duty. Officers.

Sec. 5. The amount of capital stock shall be fixed and limited by the corporation in the manner prescribed by the by-laws, not exceeding five thousand dollars, and shall be divided into shares, and a record thereof be made by the clerk; said shares shall be numbered in progressive order, beginning at number one, and every stockholder shall have a certificate, under the seal of the corporation, and signed by the treasurer, certifying his property in such share as shall be expressed in the certificate; and all new stockholders to said corporation, shall be under all the liabilities and possess all the privileges of the original stockholders. Certificates of stock.

Sec. 6. Any shares may be transferred by the proprietor thereof by a deed under his hand and seal, acknowledged by an officer duly authorized by law to take acknowledgments of deeds, and recorded by the clerk of the corporation, in a book to be kept for that purpose, and the purchaser named in such deed so recorded, shall, on producing the same to the clerk and delivering to him the former certificate, be entitled to a new certificate, and from the entry of such transfer the new stockholder shall be under all the liabilities and possess all the privileges of the original stockholder. Transfer of shares.

Sec. 7. Said corporation may from time to time at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole, the amount at which such share shall be originally limited and such sums so assessed shall be paid to the treasurer at such times and in such instalments as the corporation may direct. Assess'm'ts on shares.

Sec. 8. All the members of said corporation shall be jointly and severally liable for all debts and contracts made by said corporation, provided that the corporate property shall be exhausted before the private property of any member of said company shall be Liabilities of corporations.

taken: and a certificate signed and sworn to by the clerk and treasurer, setting forth the amount of capital stock paid in, shall be filed and recorded in the office of the register of deeds for said county of Wayne.

Debts of the company. Sec. 9. The whole amount of debts which said corporation shall at any time owe shall not exceed the one half of the amount of its capital stock actually paid in, and the clerk of said corporation shall at all times keep a record containing a true and correct account of all the debts due and owing from said corporation, and of the amount of capital stock paid in, which record shall at all times be open to public inspection.

Real estate. Sec. 10. Said corporation shall have the power to purchase and hold lands, rights of way and other real estate, to the amount of two thousand dollars.

Right of amendment, repeal, &c. Sec. 11. The legislature may at any time alter, amend or repeal this act, for any violation of the provisions of this charter; and it shall not be lawful for said company to use their funds or any part thereof in any banking transactions, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank or in the purchase of any public stock whatever, or for any purposes other than those herein particularly specified; and the said company shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same are applicable and not inconsistent with the provisions of this act.

1st meeting. Sec. 12. The first meeting of said corporation shall be called by a notice signed by one or more of the persons named in this act, setting forth the time, place and purpose of the meeting, and such notice shall, at least three days before the meeting, be delivered to each member thereof.

Approved March 5, 1849.

[No. 61.]

AN ACT to incorporate the Detroit Savings Fund Institute.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Elon Farnsworth, David Smart, John Palmer, Zina Pitcher, Charles Moran, Shubael Conant, B. B. Kercheval, Levi Cook, James A. Hicks, George M. Rich and Gurdon Williams and their successors, are constituted a body corporate and politic, by the name of the Detroit savings fund institute.

Sec. 2. The real estate which it shall be lawful for said corporation to take, hold and convey shall be only,

Authorized to hold certain real estate.

1st. Such as shall be necessary and convenient for an office or place for the transaction of its business.

2nd. Such as shall be mortgaged or otherwise conveyed to it, as security for money loaned or some other indebtedness.

3d. Such as shall be conveyed to it in payment of indebtedness, or which shall be purchased by it at sales under judgments or decrees recovered by or belonging to said corporation.

And said corporation shall not buy, sell, hold or trade in any goods or wares whatever: *Provided however*, That this shall not be construed to apply to goods or personal property which it may acquire as security for, or in payment of indebtedness to it, or which may be necessary or convenient for the transaction of its business.

Sec. 3. The business and property of said corporation shall be managed by a board of trustees, eleven in number, and who shall at their first meeting, and as often thereafter as may be necessary, elect from their number a president and vice president. The several persons named in the first section of this act, shall be the first trustees: and all vacancies in said board shall be filled at the next regular meeting thereof, after such vacancy shall arise, and the person receiving the majority of the votes of the trustees present, shall be duly elected. Six trustees shall constitute a quorum of said board, for the transaction of all ordinary business.

Officers of the corporation.

Sec. 4. Said corporation shall receive on deposit, all such sums of money as shall from time to time be offered by tradesmen, mechanics, laborers, servants, minors and others, for the purpose of being invested in any public stock, or upon bond and mortgage, or other security, according to the provisions of this act. And such deposits shall be repaid to each depositor, or his lawful representatives when required, at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe: which regulations shall be printed and conspicuously posted, in some place accessible and visible to all, in the business office of said corporation, and no alteration which may at any time be made in such regulation, shall in any manner effect the rights of a depositor in respect to deposits made previous to said alteration.

May receive deposits.

Duties of corporation in respect to depositors.

Sec. 5. The board of trustees may invest deposits made with them, and profits accruing thereon in any public stock of the United States or of the state of Michigan, or upon bond secured by mortgage

How deposits may be invested.

upon unincumbered real estate, worth at least double the amount loaned, or upon any other security which shall be deemed by the board to be amply sufficient: *Provided*, That no loan or investment shall be made on any class of securities not specifically mentioned above, except with the approval of at least five of the trustees.

No officers
of the cor-
poration
may borrow
or use its
funds.

Sec. 6. No trustee or officer of said corporation shall directly or indirectly borrow any of the funds of said corporation, or in any manner use any of said funds, except in the lawful business of said corporation. All certificates or evidences of deposit made by the proper officers shall be as effectual to bind the corporation, as if made under the common seal thereof. But said corporation shall not issue any bill or note to circulate as money. Any trustee, officer or agent of said company who shall use any of the funds except as in this act provided, or issue or cause to be issued any bill or note designed or intended to be circulated as money, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the state prison not more than ten years, and by fine not exceeding ten thousand dollars, or both, in the discretion of the court.

Penalties.

Rate of in-
terest to de-
positors.

Sec. 7. It shall be the duty of the board of trustees from time to time, to regulate the rate of interest to be allowed to depositors, so that they shall receive a rateable proportion of all the profits of said corporation, after deducting the necessary expenses: and they shall annually make a report to the legislature of this State, on or before the first day of January, of all the funds and investments of the corporation.

Misnomer
n't to vitiate
Deed, &c.

Sec. 8. A misnomer of said corporation, in any deed, gift, grant or other instrument, contract or conveyances, shall not vitiate the same, if the corporation shall be sufficiently described to declare the intentions of the parties.

Rights of
minors.

Sec. 9. When any deposit is made by a person being a minor, the said corporation may pay to such depositor, such sums as may be due to him, although he have no guardian: and the receipt or acquittance of such minor shall be in all respects valid in law.

General pro-
visions.

Sec. 10. Said corporation shall be subject to the provisions of chapter fifty-five, title ten, of the revised statutes of 1846. This act shall take effect from and after its passage, and the legislature may at any time alter, amend or repeal this act.

Approved March 5, 1849.

[No. 62.]

AN ACT to incorporate the trustees of Elmwood Cemetery.

Whereas, Henry Ledyard, Charles C. Trowbridge, John Owen, Preamble.
Israel Coe, John S. Jenness and Alexander D. Fraser, of the city
of Detroit, have purchased a tract of land (on Bloody Run,) in the
vicinity of Detroit, in which they have laid out a rural cemetery,
now known as "Elmwood Cemetery," and used as a place of in-
terment, which they have improved and ornamented, and contem-
plate continuing to do so, with the money to be realized from the
sale of lots; that in order to facilitate these objects, it is desirable
that they should be incorporated as a body politic: Therefore,

Section 1. *Be it enacted by the Senate and House of Represen-* Incorporation of trustees of Elmwood Cemetery.
tatives of the State of Michigan, That the said Henry Ledyard,
Charles C. Trowbridge, John Owen, Israel Coe, John S. Jenness
and Alexander D. Fraser, and their successors, be and they are
hereby constituted a body politic and corporate, by the name and
style of the "Trustees of Elmwood Cemetery," and by that name
to have perpetual succession, and be capable of suing and being
sued, pleading and being impleaded, answering and being answered
unto, defending and being defended, in all suits, complaints, matters
and causes whatsoever, in any court of law or equity, in this state;
and to have a common seal, and to make all such by-laws, rules and
regulations (not repugnant or contrary to the law of the land) as
they may deem necessary, relative to said cemetery, and the good
government and management thereof.

Sec. 2. That said trustees shall elect one of their own number as
president, another as secretary, and another as treasurer; that in Officers of corporation.
case of the death, resignation, or removal of any of the trustees,
from the county of Wayne, the other members shall elect a suitable
person to supply every such vacancy; and vacancies happening in
any of said offices, from any of said causes, shall be filled in the
same manner; that said trustees may from time to time appoint a
superintendent and such other officers or agents as they may deem
necessary.

Sec 3. The said corporation may hold, for the purposes contem-
plated by this act, such real estate as they now possess, and may Corporation may hold certain real estate.
purchase and hold such other real estate as may be necessary to ef-
fectuate the purposes aforesaid; that the title to lots in said ceme-
tery may be passed by a certificate to be signed by the president and

countersigned by the secretary, under the corporate seal, but always subject to the by-laws, rules and regulations which have been, or may be, adopted by the trustees; that all certificates heretofore granted for lots shall have the same legal effect; that the plat of said cemetery, to be adopted by the trustees, or the avenues, roads, or walks, or grounds laid off and reserved for shrubbery or other ornamental purposes, shall never be subject to be changed or altered; and all monies to be realized from the sale of lots, after paying the original purchase price of said land, it shall be applied to the improvement of said cemetery. All lands now held or which may hereafter be acquired by said corporation, for the purposes aforesaid, shall be forever exempted from all public taxes and assessments, and from all liability to be sold on execution or for the payment of debts by assignment under any insolvent law. The said corporation may hold in trust any donation or bequest of property, and may apply the same or the income thereof in the improvement or embellishment of the cemetery, or for the erection, repair, preservation and renewal of any tomb, monument, or fence, or for the planting or cultivation of trees, shrubs, flowers, plants, in and around any cemetery lot, or for the improvement of said premises in any other form or manner conformable to the terms of said grant or bequest.

Plat of cemetery shall not be altered.

Corporation may hold certain property for specific purposes.

Penalty for trespasses.

Sec. 4. If any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure, or thing placed or designed for a memorial of the dead, or any fence, railing, curb or other thing intended for the protection or for the ornament of any tomb, monument, gravestone or other structure before mentioned, or of any enclosure for the burial of the dead, or shall wilfully destroy, mutilate, remove, cut, break or injure any tree, shrub or plant, placed or being within or around any such enclosure, the person so offending shall be punished by fine not exceeding five hundred dollars nor less than ten dollars, or by imprisonment in the county jail not more than one year.

Sec. 2. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of chapter fifty five of the revised statutes.

Approved March 5, 1849.

[No. 63.]

AN ACT authorizing Abram Smith and John W. Russell to erect a dam across Grand River, in the county of Eaton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Abram Smith and John W. Russell, be and they are hereby authorized to erect and maintain a dam across Grand river, in the county of Eaton, on section eleven in the township of Oneida. Dam authorized.

Sec. 2. That said dam shall not be more than six feet in height above common low water mark, and shall have constructed therein a shute or slide, so as to permit the free passage of all boats, rafts, and other water crafts navigating said river, which shute or slide shall be constructed in said dam at the time of the erection thereof, and the said Smith and Russell, their heirs or assigns, shall keep the same in good repair. Description of dam.

Sec. 3. The legislature shall have the power at any time hereafter to alter, amend or repeal this act.

Sec. 4. Nothing herein contained shall permit the said Smith and Russell to enter upon or flow the lands of any other person or persons without the consent of such person or persons. Rights of persons reserved.

Sec. 5. If at any time hereafter the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said Smith and Russell, their heirs or assigns, to recover any damages therefor. Waters may be taken for Int. Imp. purposes.

Sec. 6. Any person who shall destroy, or in any wise injure said shute or slide, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said shute or slide shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by fine and imprisonment in the discretion of the court. Trespasses on dam, &c. & penalties therefor.

Approved March 5, 1849.

[No. 64.]

AN ACT to incorporate the Ohio Trap Rock Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joshua Hanna, E. W. Stephens, Wm. K. Hart, Leonard Hanna, Robert S. Hays and Levi Incorporation of company.

Hanna, with others that may become associated with them, are hereby constituted a body corporate by the name of the Ohio Trap Rock mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals, on the upper Peninsula of the state of Michigan.

Its capital
stock, real
estate, &c.

Sec. 2. That said company shall have a corporate succession. Its capital stock shall be one hundred and fifty thousand dollars, divided into six thousand shares of twenty-five dollars each, and said company may acquire and hold such real and personal estate on the upper Peninsula of Michigan as the business of said company may require, to an amount not exceeding one hundred and fifty thousand dollars.

Officers of
the company.

Sec. 3. The officers of said company shall consist of a president and five directors, of which the president shall be one, each owning in his own right not less than thirty shares of the capital stock of said company, a secretary and treasurer, which may at the option of the company, be the same individual, and said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessments in such manner as said company may by its by-laws establish: *Provided*, That one of the directors of said company shall at all times be a citizen resident of the state of Michigan, upon whom service of all process against said company, may be made, and the same shall be deemed a valid service thereof upon the said Ohio Trap Rock mining company: *Provided*, That until the first annual meeting of said company, after its organization under this act, Joshua Hanna, and Wm. K. Hart, of the city of Pittsburgh, Pa., E. W. Stephens, of the city of Wheeling, Va., Leonard Hanna, of New Lisbon, Ohio, and Levi Hanna, of Eagle River, Michigan, shall be and continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all the duties and restrictions imposed upon the directors to be chosen under this act.

Service of
process on
company.

Annual state
tax.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose, the president and secretary thereof, shall, on the

first day of January in each year, or within fifteen days previous thereto, make under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company; and also the whole amount of money which has been borrowed by said company during the preceding year, or which shall remain due upon any previous loan, which tax shall be in lieu of all taxes on the personal and real estate of said company; and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and returned to the state treasurer accordingly.

Annual report of officers

Sec. 5. It shall be lawful for said company, whenever they shall deem it expedient, to locate, lay down and construct a rail road from their mines either to the main branch of the Ontonagon river below the rapids, or to the southern shore of lake Superior, at or near the mouth of said river; and it shall be lawful for said company to enter upon and occupy any intervening lands for that purpose, and to take, carry away and use any earth, stone, timber or other materials that may be necessary to construct, build and maintain said road: *Provided*, That said company shall first obtain the consent of the owners of such lands so to locate and construct said road: *Provided further*, That said company shall have the right to charge to other companies or individuals for transportation on said road not to exceed treble the minimum amount of tolls which shall at the time be charged by the Michigan Central rail road: *Provided*, That if a plank road shall be deemed most advisable by said company, the said road shall be made and governed in all respects by the act incorporating the Detroit and Birmingham plank road company of this state, so far as the same may be applicable, and the rate of toll not to exceed treble the amount of tolls charged by the said Detroit and Birmingham plank road company.

Company authorized to construct railroad for certain purposes.

Sec. 6. The first meeting of said company shall be at such time and place as shall be named by any three of the corporators, thirty days notice of which shall be given in some newspaper published in the city of Detroit; and within six months after the first election of directors, they shall fix upon some place in the state of Michigan to locate a business office and file a notice of such location with the Secretary of State. All annual and other meetings shall be at such times and places as shall be fixed by the by-laws of said company.

1st meeting.

Business office.

Lien of inhabitants of this state, & how enforced.

Sec. 7. Any inhabitants of this state shall have a lien upon the property of said company for all sums under one hundred dollars, originally contracted within this state, which lien shall take precedence of all other claims or liens whatever, upon the property of said company, and any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court, that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

Sec. 8. Said company shall be entitled to the benefit and subject to the restrictions of chapter fifty-five of the revised statutes of this state, of eighteen hundred and forty-six, so far as the same shall be applicable and not inconsistent herewith.

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the Legislature may at any time, alter, amend or repeal this act by a two-thirds vote, or at any time for a violation of its provisions: *Provided*, That it shall not be lawful for said company to use their funds or any part thereof in any banking, brokerage or exchange business, or in buying or selling money or bank notes, or in any other business than that contemplated in this act.

Approved March 5, 1849.

[No. 65.]

AN ACT to provide for laying out and establishing a state road from Richland, in Kalamazoo county, to Hastings, in the county of Barry.

Commissioners appointed to lay out a state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nicholas Campbell, Hiram Tillotson and Seth Demick, be and they are hereby authorized and appointed commissioners to lay out and establish a state road, commencing at a point near the house of Timothy Mills, in Richland, in the county of Kalamazoo, thence on the most eligible route to some point in the village of Hastings, in the county of Barry.

Duty of commissioners.

Sec. 2. The commissioners named in this act, shall file so much of the survey of said road as may be embraced in any township

through which the same may pass, in the town clerk's office, in said township, which survey shall be entered on record by the clerk of said township.

Sec. 3. The state shall not be chargeable for the laying out and establishing of said road, or for any expenses or damages whatever connected therewith: and this act shall be void as to said road, unless the same shall be laid out, surveyed and recorded within three years from and after the passage of this act.

State n't liable for cost or damage, &c.

Sec. 4. It shall be the duty of the highway commissioners of the several townships through which the road to be established by this act may pass, to cause the same to be opened agreeably to the actual survey as ordered and established by said commissioners, in the same manner as is provided by law for the opening of other roads in the several townships of this state.

Duties of highway commissioners of certain towns.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1849.

[No. 66.]

AN ACT to amend chapter twenty-four of the Revised Statutes of one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any commissioner of highways be and is hereby authorized to administer the oath required by section seventeen of chapter twenty-four of the revised statutes of one thousand eight hundred and forty-six.

Sec 17 chap 24 of R S amended.

Approved March 6, 1849.

[No. 67.]

AN ACT to amend section thirteen of chapter sixty-six of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section thirteen of chapter sixty-six of the revised statutes be and the same is hereby amended by striking out the words "a minor," in the third line of said section, and inserting in lieu thereof, the words "under guardianship," so that said section will read as follows, viz: "a married woman residing within this state may bar her right of dower in any estate con-

Sec 12 chap 66 of R S amended.

veyed by her husband, or by his guardian, if he be under guardianship, by joining in the deed of conveyance, and acknowledging the same as prescribed in the preceding chapter, or by joining with her husband in a subsequent deed, acknowledged in like manner."

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1849.

[No. 68.]

AN ACT to incorporate the Minesota Mining Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel O. Knapp, Enoch C. Roberts, William Hickok, Wm. Pearsall, jr., Daniel A. Galloway, Charles Edgar Smith, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Minesota mining company, for the purpose of mining, smelting, assaying and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan, and in such other place or places within the state as said company may hereafter determine upon.

Capital stock and real estate.

Sec. 2. The said company shall have corporate succession; its stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding three hundred thousand dollars.

Officers of company, assessment on shares, &c.

Sec. 3. The officers of said company shall consist of a president, a board of six directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessments, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said company.

State tax, annual report, &c.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company;

and also upon all sums of money borrowed by said company and remaining unpaid at the time of the annual report hereinafter mentioned, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof, shall on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in, in the capital stock of said company, and also the whole amount of money which has at any time been borrowed by said company, and which remains unpaid at the time of said report; and said tax shall be in lieu of all other state taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the state treasurer hereinbefore required: *Provided*, That in no case shall the same money be taxed both as money borrowed and as capital paid in.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, of this act, or any four of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. 1st meeting of company.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, arising upon contract, express or implied, to the amount of one hundred dollars or under, originally contracted within this state; which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages, against said company, except liens or mortgages against the property of said company, given for the purchase money thereof. And any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases. Lien of inhabitants of this state, how enforced, &c.

Sec. 7. Said company shall be subject to the provisions of chap- General provisions.

ter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business of
office of com-
pany.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office for said company, within the territorial limits of the state of Michigan; and file in the office of the secretary of state a certificate specifying the place of such location; and all annual and other meetings of said company, shall be held at such place as the by-laws of the company may designate and direct.

When its
contracts to
be under
seal, &c.

Sec. 9. The said company shall have a corporate seal; and any instruments of conveyance, or contracts usually requiring a seal, given or entered into by said company, shall be signed by the president and secretary, and shall be attested by its corporate seal; but no such conveyances or contracts shall be valid unless authorized by a regular meeting of the members of said company or by its by-laws; and each share of the capital stock of said company, shall in all cases entitle the owner thereof, to one vote.

Powers of
corporation.

Sec. 10. The said company, shall have and possess all the powers necessary for carrying out the purposes of its organization, where the exercise of such powers would not be contrary to law: *Provided always*, That nothing in this act contained, shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use its funds or any part thereof, in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, (except so far as the same may be necessary in the prosecution of its ordinary business) or for any other purposes than these specified in this act, for the purpose of carrying out the legitimate objects of the organization of said company.

Duration of
charter, final
dividend, &c

Sec. 11. This act shall continue in force for thirty years from and after its passage; and whenever the existence of the said company shall terminate, whether by lapse of time or otherwise, its property shall be sold by, or under the direction of its last board of directors, and the proceeds thereof, after all payment of debts, divided among the stockholders in proportion to the amount of stock held by them respectively; and the existence of said company, and the authority of its board of directors is hereby declared to be continued for the period of one year after the termination of said company for other purposes, for the purposes declared in this section.

Approved March 7, 1849.

[No. 69.]

AN ACT to provide for laying out a state road from Ceresco Mills, in the township of Marshall, in the county of Calhoun, to Bellevue in Eaton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That John D. Pierce, John Markham and Lemuel L. Dawns, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road from Ceresco Mills, in the town of Marshall, on the township line, or as near thereto as may be, between the townships of Marshall and Emmett, to the north-west corner of the township of Marshall, thence on the main road to Bellevue, in Eaton county.

Comm'r's appointed to lay out state road.

Sec. 2. The above named commissioners shall file so much of the survey of the above named road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such townships, and it shall be the duty of the several township clerks to record the same in their respective township's book, and post the notice required by law.

Duties of commiss'rs.

Sec. 3. That it shall be the duty of the commissioners of highways of the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked.

Duty of certain highway commissioners.

Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding section of this act, shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

State not liable for costs or damages.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1849.

[No. 70.]

AN ACT to authorize Jacob Barns, guardian of Cornelius Barns, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Jacob Barns, guardian of Cornelius Barns, a minor, of the county of Kent and state of Michigan, be and he is hereby authorized and empowered to sell and

Jac'b Barns, guardian, authorized to sell certain real estate with consent of prob't judge

convey to Carlton Neal and James A. Rumsey, all the right, title and interest of the said minor in and to the following described pieces or parcels of land, to wit: the west half of the south east quarter and the east half of the south west quarter of section thirty-six, in township seven north of range twelve west, situate in the county of Kent and state of Michigan; which conveyance, when made, acknowledged and recorded in accordance with the laws of this state, shall be as effectual and valid as if the said Cornelius Barns, at the time of such conveyance, was of full age: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Kent shall, under his hand and seal of his office, certify upon the back of said conveyance, his approval of the same.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1849.

[No. 71.]

AN ACT to amend section four of chapter eighty-eight, of the Revised Statutes of one thousand eight hundred and forty-six.

Sec 4, chap
9, R.S. a-
mended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of chapter eighty-eight of the revised statutes of one thousand eight hundred and forty-six, be and the same is hereby amended by striking out the word "Mondays," at the end of the second and commencement of the third line of said section, and substituting in lieu thereof, the words "Tuesdays," and by striking out the word "Monday," in the third line and substituting in lieu thereof the word "Tuesday," so that said section will read,

"Sec. 2. There shall be four several terms of the supreme court held in each year, commencing as follows, to wit: on the first Tuesdays of January, May and July; and the third Tuesday of October; which said terms shall respectively be called the January, May, July and October terms of said court."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1849.

LAWS OF MICHIGAN.

47

[No. 72.]

AN ACT to incorporate the North West Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Horace Greely, James G. Clark, George H. Thompson, Charles Schaffer and others who shall be associated with them, are hereby constituted a body corporate by the name of the North West Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified.

Sec. 2. The said company shall have corporate succession, its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each, and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock.

Sec. 3. The officers of said company shall consist of a president and a board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company, be one and the same person; and the said company may, by its officers, levy assessments on the shares of its stock, and forfeit and sell said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided*, That until the first annual meeting of said company after its organization under this act, William Petit, James G. Clark, George H. Thompson and Charles Schaffer, of Philadelphia, Horace Greely, of New York, and Samuel Barslow, of Detroit, shall be and continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan, an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, the capital paid in to be reckoned as follows, viz:

1. The amount paid to the United States government for mineral lands in the upper peninsula of the state of Michigan:

2. The amount of assessments that shall be levied and paid in after the purchase of said mineral property of the U. S. government, and

3. All monies borrowed by said company: which tax shall be paid on the first day of January in each year, and shall be estimated upon the last preceding report of said company, and for that purpose the president and secretary of said company, shall on the first day of December, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money, which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all state taxes upon the real estate of said company.

Co. authorized to construct rail road, &c.

Sec. 5. It shall be lawful for said corporation, whenever they may deem it expedient, to locate, lay down and construct a rail road from their mines to Eagle Harbor, or any other point on lake Superior, which they may deem most eligible as a place of deposit and shipment for their ores, metals and other commodities; and in every other respect, as to the right of way and materials, and in the construction and use of said rail road, the company shall be governed and regulated by the provisions of the act incorporating the Pontiac rail road company in this state, so far as the same may be applicable.

1st meeting.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants, how enforced, &c.

Sec. 7. Any inhabitant of the state of Michigan shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company: and

any person may enforce said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of said court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, of this state, so far as the same may be applicable. General provisions

Sec. 9. The said company shall, within six months after the passage of this act, by a vote of the board of directors, locate their business office or offices, one of which shall be in this state, and file in the office of the secretary of state (of Michigan) a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. Business office.

Sec. 5. This act shall take effect and be in force for thirty years from and after its passage; and the legislature may at any time alter, amend, or repeal this act after the limitation thereof, by a two-thirds vote, or at any time for a violation of the provisions thereof. Duration of charter.

Approved March 10, 1849.

[No. 73.]

AN ACT to require the Supervisors of Berrien county to construct and maintain certain bridges in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of Berrien county are hereby required by a tax levied and collected in like manner as other county taxes are levied and collected, to erect and maintain five bridges across the river St. Joseph, within the limits of said county: one to be at the village of Bertrand; and one to be at the village of Niles; one to be at or near the mouth of McCoy's creek; one to be at the village of Berrien, and the other shall be at the village of Saint Joseph: *Provided*, That the county shall not be compelled to raise or contribute more than six thousand dollars Board of supervisors of Berrien Co. to raise certain sum of money for bridges in said county.

in any one year for the support of said bridges : *Provided*, That none of the expenses attending the construction or repairs of said bridges shall become a charge upon the state, nor shall the state become answerable in any wise for any damages arising from the construction of said bridges or any of them.

Voters of
Berrien Co.
to assent to
this act be-
fore it can
take effect.

Sec. 2. This act shall take effect and be in force from and after it shall have been ascertained that a majority of the legal voters of said county of Berrien have given their assent thereto. And to ascertain the views of said voters, this act shall be read at the next annual township meetings, by the township clerks of the several townships of said county ; and the citizens of said towns shall vote viva voce upon the question, whether this act shall take effect ; and the township clerks aforesaid shall make a return of the result of such voting to the county clerk of said county, who shall, together with the sheriff and county treasurer of said county, proceed to canvass said returns, and if they shall ascertain that a majority of the citizens of said county have voted for this act, then this act shall be in force and take effect from and after said canvassing.

Sec. 3. This act shall take effect from and after its passage.

Approved March 10, 1849.

[No. 74.]

AN ACT relative to State Printing.

Rate of al-
lowance for
state print-
ing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the printing for the state, including all that has been authorized for the present session of the legislature, shall be done by Messrs. Munger and Pattison, proprietors of the "Michigan State Journal," at the rate of twenty-seven cents per one thousand ems, and twenty-seven cents per token for press-work, until the first Monday of January next, which shall be in full for all printing to be done under contract with the state: *Provided*, The printing for the executive department shall be done at prices not exceeding those paid for similar work during the last year: *And provided also*, That the session laws shall be printed and ready for binding within fifty days after the adjournment of the legislature in each year; and all legislative documents and journals, within six months after such adjournment.

Provided.

Sec. 2. The auditor general shall draw his warrant on the state treasurer for such sums as may be due to such contractors, from time to time, reserving twenty per centum until all the work shall be performed.

Sec. 3. There shall be elected at the general election to be held on next November, and every two years thereafter, a state printer, who shall hold his office for the term of two years, from and after the first Monday of January thereafter, and who shall give a bond in the penal sum of ten thousand dollars, with two or more sureties, to be approved by the secretary of state, conditioned that such state printer will in a good and workmanlike manner, do and perform all the printing which may hereafter be required for the state of Michigan, for and during the term of two years, and which state printer, when so elected, shall do all and singular, the duties imposed by law on the contractors now performing the same, at a rate not exceeding twenty-seven cents per thousand ems, and twenty-seven cents per token, for press work; which amounts shall be fixed and determined by the next legislature, and shall remain in all respects unaltered for the period of two years thereafter, except in case of a failure of performance by such state printer, then it shall be competent for the governor of the state to employ other persons to do and perform the same; and in case of death, the governor shall appoint a state printer, who shall hold his office and perform all the duties of such printer until the next general election, after giving bonds as provided for in this section.

Sec. 4. The provisions of the revised statutes, relative to general and special elections for the office of governor and lieutenant governor, shall in all respects be applicable to, and govern the proceedings relative to the election of state printer; and the returns of such election for state printer shall be transmitted and the result determined in the same manner as those for governor and lieutenant governor.

Sec. 5. The auditor general shall cause the statement of the lands to be sold in the counties of Clinton and Ingham, for the taxes in October, eighteen hundred and forty-nine, to be published in the state paper, which statement shall be published in the same manner, and for the same time, and to the same effect, as like statements required by law to be published in other respects.

Sec. 6. This act shall take effect and be in force from and after its passage, and all portions of any law contravening any of the provisions of this act, are hereby repealed.

Approved March 12, 1849.

[No. 75.]

AN ACT to enlarge the powers and increase the number of officers in school district number four, in the township of Ypsilanti.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the district board of school district number four, in the township of Ypsilanti, shall have all the powers conferred on district boards by title eleven, chapter fifty-eight of the revised statutes of this state, and in addition thereto, the further powers conferred by the different sections of this act.

Dist. Board.

Sec. 2. That to the present officers of said district there shall be added James M. Edmunds, George N. Skinner and Walter B. Hewitt, who, together with the present officers, shall form the district board for the transaction of all the business of the district, and the enactment of all rules and by-laws for the government thereof until the next annual meeting of said district, and until another board shall be elected, and qualified as hereinafter provided.

6 trustees to be elected.

Sec 3. That at the next annual meeting of said district, to be holden on the last Monday in September next, the qualified voters thereof shall elect, by ballot, six trustees, who shall constitute the district board, two of whom shall serve for one year, two for two years, and two for three years. The order of seniority to be determined by lot, by such trustees after their election, and annually thereafter, and in the same manner, there shall be two trustees elected, who shall serve three years, and until their successors shall be elected and qualified; and also at the same time and in the same manner, shall fill all vacancies that may exist in said board.

Officers of the board.

Sec. 4. That within ten days after each annual meeting, the officers thus elected, shall meet and elect from among their number a president, secretary and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this state, except so far as the same are increased or modified by the provisions of this act.

Powers of board.

Sec. 5. That the said district board shall have power to levy and

collect such reasonable sums as they may deem proper, for the tuition of each and every scholar taught in said district, who is not actually a resident thereof: and shall also have power to fill any vacancy that may occur in said board, until the next annual meeting: to hire any and all necessary teachers and fix the amount of their compensation: to repair the school house, build and repair all necessary additions thereto, and all necessary out-houses; to ornament the yard belonging thereto; and also to enact such rules and by-laws as may be necessary for the preservation of all the property, apparatus, shrubbery, &c., belonging to the district, and for the government of the school, and in reference to all other business connected therewith: *Provided*. That the said rules and by-laws shall not affect the equal distribution of the public moneys, the raising of taxes for building purposes, or deprive the resident scholars of the district of any of the rights and privileges to which they are entitled by the primary school laws of this state: *Also provided*, That the said board shall not be at liberty to expend more than one hundred dollars in any one year, unless so authorized by a vote of said district.

Sec. 6. That the treasurer of said district shall have the power, in the name of the district, to collect all moneys due for tuition of scholars, who are not actually residents thereof, by suit at law under the direction of said district board. Treasurer of district.

Sec. 7. That the said district board shall publish the rules and by-laws that they may from time to time enact, for at least ten days, by posting the same up in three public places in said district, or by having them inserted at least twice in a newspaper published in said township; and shall give the like notice of their alteration or repeal, and shall also record the same in a book, to be kept by the secretary for that purpose. By-laws to be published

Sec. 8. That all laws, now existing, that shall conflict with the powers and duties of said district board, and with the rules and by-laws enacted by them, under the provisions of this act, except those herein excepted, shall cease to be in force in said district, from and after the passage of this act.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 12, 1849.

[No. 78.]

AN ACT to incorporate the Siskowiet Mining Company of Michigan.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Clement March, David H. Hall, Roger C. Weightman, Charles Whittlesey, James G. Clark, and Augustine L. McCrea, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Siskowiet mining company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals, upon the island of Isle Royal in the Upper Peninsula of Michigan: *Provided,* That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified.

Capital stock

Sec. 2. The said company shall have corporate succession, its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each, and said company may acquire and hold such real and personal estate as the business of said company may require to an amount not exceeding the capital stock.

Officers of said company.

Sec. 3. The officers of said company shall consist of a president, a board of five directors (each owning in his own right not less than twenty shares of stock,) of whom the President shall be one, a secretary and treasurer, who may at the pleasure of the company, be one and the same person. And the said company may, by its officers, levy assessments on the shares of its stock, and forfeit and sell the said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided,* That one of said directors shall be a resident of the state of Michigan, and upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Siskowiet mining company, and that until the first annual meeting of said company after its organization under this act, Clement March, David A. Hall, of Washington, District of Columbia, James G. Clark, of Philadelphia, Charles Whittlesey, of Michigan, and Augustine L. McCrea, of Wisconsin, continue, and they and

their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay the treasurer of the state of Michigan, an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all monies borrowed by said company, which tax shall be paid on the first Monday of July in each year and shall be estimated upon the last preceding report of said company: and for that purpose the president and secretary of said company, shall, on the first Monday of January, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in, on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company: and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and returned to the state treasurer accordingly: and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all state taxes upon the real estate of said company.

State tax.
Annual re-
port.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

1st meeting.

Sec. 6. Any inhabitant of the state of Michigan shall have a lien upon the stock, appurtenances, and entire property of said company, for all claims and demands against said company. to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company, and any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the

Lien of in-
habitants of
this state,
&c.

property of said company, and the same proceedings may be thereupon had as in other cases.

General provisions.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business of sec.

Sec. 8. The said company shall within six months after the passage of this act, by a vote of the board of directors, locate their business offices, one of which shall be in this state, and file in the office of the secretary of state of Michigan a certificate specifying the places of such location. All annual meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Duration of charter.

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, amend or repeal this act after the limitation thereof for a violation of the provisions thereof.

Approved March 12, 1849.

[No. 77.]

AN ACT relative to the costs of proceedings in criminal cases.

Security for costs in criminal case to be given by prosecutor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That in all prosecutions for any crime or misdemeanor, when the prosecution is at the instance of a private person, and not of some public officer or of the grand jury, such person shall give security for costs, and if the defendant or prisoner be discharged on examination by such magistrate, or acquitted on trial, or a nolle prosequi be entered on the indictment by order of the court before which it may be pending, the prosecutor shall pay all costs which shall have accrued to the court, sheriff, constable and jury, and upon proceedings had upon such complaint, execution shall issue for the collection of such costs as in civil cases as well against the surety as against the prosecutor, unless the magistrate or court before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

Fees of witnesses in criminal cases.

Sec. 2. That whenever any person residing out of the township, or city where the court may be held shall attend any court as a wit-

ness in behalf of the people of this state, upon request of the public prosecutor, or upon a subpoena or by virtue of a recognizance for that purpose, he shall be entitled to the following fees: for attending in a court of record, seventy-five cents for each day, and thirty-seven and one-half cents for each half day; for attending in a justice court, or upon an examination, fifty cents for each day and twenty-five cents for each half day, and for traveling, at the rate of six cents per mile in going to the place of attendance, to be estimated from the residence of such witness, if within this state; if without this state, from the boundary line which witness passed in going to attend the court.

Sec. 3. In courts of record such witness shall prove his attendance and travel in open court, before the clerk, and in justice courts before the justice, on the day of trial, or upon an examination, and a certificate thereof, from the clerk or justice as the case may be, shall authorize the board of supervisors of the proper county, to audit and allow the fees aforesaid in the same manner as other contingent charges against the county.

Supervisor to allow such fees.

Sec. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 5. This act shall be in force from and after its passage.

Approved March 13, 1849.

[No. 78.]

AN ACT for the relief of the township of Waterloo, in the county of Jackson.

Whereas, The papers, files and records of the township of Waterloo, in the county of Jackson, were recently destroyed by fire; and

Preamble.

Whereas, In consequence thereof, there is no record evidence of the organization of said township, or of the election or qualification of the officers thereof, or of the laying out of highways therein, or of any division of said township into road or school districts, &c., Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That said township of Waterloo, shall be deemed to have been duly organized pursuant to the provisions of an act entitled "an act to organize certain townships, approved March twenty-third, eighteen hundred and thirty-six.

Waterloo declared duly organized

Evidence of
town officer's
official cha-
racter.

Sec. 2. Whenever it shall become necessary in any court of law or equity, to prove the election of any supervisor, township clerk, justice of the peace, or other officers of said township, evidence that such person acted in that capacity shall be deemed prima facie of his election to such office, and of his qualification according to law.

Sec. 3. The preceding section shall be so construed as to include all officers acting as such in and for said township, since March twenty-third, eighteen hundred and thirty-six.

Highways
legalized.

Sec. 4. All highways in said township that have heretofore been and now are opened and traveled, or upon which any highway money or labor has been expended by the commissioners or overseers of highways in the year eighteen hundred and forty-eight, shall be deemed to have been legally laid out.

When parol
evidence of
lost paper, or
town record
may be given.

Sec. 5. Whenever it shall be made to appear in any court of law or equity, that any paper on file in, or record belonging to, the clerk's office in said township has been destroyed by fire, oral evidence of the contents thereof may be proved in the same manner and with the like effect as in the case of a lost note or other paper.

Highway.

Sec. 6. Parol evidence may also be given of the opening and traveling of any highway in said township and of the expenditure of money or labor upon any such highway by the commissioners or overseers as mentioned in section four of this act.

Duties of di-
rectors of
school dis-
trict in said
town.

Sec. 7. It shall be the duty of the directors of the several school districts in said township, within five days next preceding the twentieth day of April next, to take the census of his district mentioned in section forty-one of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and shall, on or before the twentieth day of April next, make his report to the township clerk, required in section fifty-four of said chapter ninety-three, which report, when so made and filed in the office of the township clerk, shall be as valid and effectual as if the same had been made at the time required by existing laws.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 13, 1849.

[No. 79.]

AN ACT for the improvement of the State Road leading from Charlotte, in Eaton county, to Albion, in Calhoun county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That for the purpose of improving the state road leading from Charlotte, in Eaton county, to Albion, in Calhoun county, there is hereby appropriated, to be expended as hereinafter provided, the unexpended highway tax which was assessed for the year eighteen hundred and forty-eight, and all the highway tax which may be assessed for the present year and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of one mile each way from the centre thereof: *Provided,* That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said one mile, the highway tax upon said description, shall be deemed appropriated as aforesaid.

Sec. 2. For the purpose of carrying into effect the provisions of this act, Jesse Hart, of Eaton, and John D. Alcott, of Calhoun, are hereby appointed special commissioners, one for so much of said road as lies in the county of Eaton, and one for so much of said road as lies in the county of Calhoun; and said special commissioners, in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners; and each of said special commissioners, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county.

Sec. 3. It shall be the duty of each of said special commissioners, on or before the first day of July next, to make out a list of all non-resident lands coming under the provisions of this act in the county for which he was appointed, and deliver the same to the treasurer of said county, who shall thereupon open an account with the Charlotte and Albion state road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said list, and which are within the purpose of this act, and shall

Appropriation of highway tax.

Com'rs appointed to expend the same; their powers and duties.

Duty of treasurers of Eaton and Calhoun counties.

charge said fund with all the moneys which may be drawn from it by said special commissioner.

Payment of
contractors,
&c.

Sec. 4. It shall be the duty of each of said special commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the Charlotte and Albion state road fund of the county for which said special commissioner is appointed; and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to said fund, and to charge the same as provided in section three of this act.

Compensa-
tion of com-
missioners.

Sec. 5. Each of said special commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him in discharging the duties which this act imposes upon him, and his account for the same, verified by his oath, shall be audited by the board of supervisors of the county to which he belongs, and shall be paid out of any moneys to the credit of the Charlotte and Albion state road fund in the treasury of that county.

Vacancy,—
how filled.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

[No. 80.]

AN ACT to amend an act entitled an act to extend the time for the collection of certain taxes in the township of Burns, in the county of Shiawassee, approved February 13, 1849.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled an act to extend the time for the collection of certain taxes in the township of Burns, in the county of Shiawassee, approved February 13, 1849, be so amended as to strike out the word "March," and to substitute the word "April" in lieu thereof; and that the words "first day of April," in section two, be stricken out, and the words "Af-

teenth day of May" substituted in lieu thereof; and that the words "first day of May," in section three, be stricken out, and the words "fifteenth day of June" substituted in lieu thereof; that section four of said act be amended by striking out the word "eight," and substituting in lieu thereof the word "four."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

[No. 81.]

AN ACT to authorize Alfred Ashley, his heirs or assigns, to construct a Plank Road across those parts of sections two and eleven, in township three North, of range number fourteen East, known as Salt Spring Lands belonging to the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Ashley, his heirs or assigns, be, and they are hereby authorized and empowered to construct a plank road across parts of sections two and eleven, in township three north, of range number fourteen east, belonging to the state, and known as salt spring lands, and for that purpose are hereby authorized to enter upon and use so much of said lands, not exceeding four rods wide, as may be necessary in the construction of said road, across said lands, upon the most eligible route from the village of Ashley, in the county of Macomb, to Fort Gratiot turnpike, in said county.

Plank road authorized across certain lands.

Sec. 2, That the said Alfred Ashley, his heirs or assigns, are hereby authorized to erect a dam across Salt river, and to flow so much of said lands as may be necessary for the purposes of a saw-mill, by paying to the commissioner of the state land office, the minimum price per acre for the lands which shall be flowed by the erection of said dam: that said lands shall be surveyed by the county surveyor of Macomb county, at the request and at the expense of the said Ashley; and when said lands shall be so surveyed, the said surveyor shall give to said Ashley a certificate under his official signature, setting forth the number of acres so flowed, and a description thereof, by routes and bounds, courses and distances, and upon presentation of said certificate, and payment for said lands, at the price afore-

Dam authorized & the conditions thereof

said, to the commissioner of the land office, within one year from the date of this act, the said Ashley shall be entitled to a certificate and patent, pursuant to the law regulating the sale of salt spring lands.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

[No. 82.]

AN ACT to incorporate "the City of Detroit Gas Company."

Preamble.

Whereas, Certain persons have associated themselves under the style of "the city of Detroit gas company," for the purpose of carrying on and establishing in said city of Detroit a gas manufactory of the kind now generally used, or any improved gas or inflammable substance, and of supplying the citizens with gas who desire the same, at rates to be agreed upon; the following being the names of the persons who have signed the articles of association, and taken shares of stock, viz: L. C. Rose, Jason Braman, J. M. Slater, Jeffrey Coles, James Cooper, John N. Williams, James Beck, Matthew Anderson, T. R. Davenport, Henry H. LeRoy, Samuel Howlett, F. F. Parker, and of whom at present, said is president, said Beck secretary, said Parker treasurer, and said LeRoy, Rose, Braman and Slater are directors;

Ibid.

And Whereas, The common council of said city have given the necessary permit to said association, to locate said establishment in said city, and to run their pipes through the streets of the same, and have given them the exclusive privilege so to do for the period of ten years, on certain conditions and under certain restrictions, as appears by an agreement in writing signed by a committee of said council, dated September 29, 1848, and approved by said common council, and to which reference is hereby had; *And Whereas*, said persons have applied to this legislature to be incorporated, the more effectually to enable them to accomplish the said objects of their organization:

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, As follows, to wit: That said persons above named, who have signed said articles of association, and all such other persons as shall become stock holders and associated

with them for said purpose, and their successors and assigns shall be, and hereby are constituted and declared to be, a body politic and corporate, under the name and style of "the city of Detroit gas company," for the objects and purposes contemplated and stated in the above preamble, for the period of fifty years from and after the passage of this act: *Provided always*, That within the period of one year they commence operations and continue the same with all reasonable despatch.

Sec. 2. The corporation hereby created by the name aforesaid, ^{Powers of company.} and the successors thereof, shall have continual succession for the period aforesaid, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defended and defending in all courts, suits, proceedings, places and matters whatsoever; and capable of having a common seal; of acquiring, holding and conveying estate, real, personal and mixed, necessary or expedient for the corporation, for the purposes and objects thereof.

Sec. 3. The capital stock of said association shall not exceed one ^{Capital stock and officers.} hundred thousand dollars, which, with the property, affairs and concerns of the corporation, shall be managed and conducted by a board of officers, to consist of a president, secretary and treasurer, and of four other directors, all of whom shall be stockholders, except the secretary. The board of officers named in the above preamble shall constitute the officers of this corporation, until others are chosen in their stead.

Sec. 4. The majority of the board of directors and stockholders, ^{Powers of board of directors.} on account of said corporation hereby created, shall have and hereby are declared to have full power and authority to make, prescribe and carry into effect all such rules, by-laws and regulations, and the same to alter, amend and renew, as the majority of the board of officers and stock, at a meeting of the holders thereof, regularly called, shall think proper to make, which are necessary and proper for the purpose of carrying out the true intent and meaning of this act, and among other things to provide for calling new elections, when any election fails to be made when duly called: and may form, if they think proper a constitution or articles of agreement, to be signed or to govern them within the provisions of this act, containing the elements of their organization; the rights, privileges and duties of officers and members; the modes and times of calling elections and holding the same; the amounts of stock and liabilities

and privileges of holders and the exercise of the powers above contained; and concerning all other matters and things in and about the regulation, control, conduct of the corporation, its objects, and all matters pertaining thereto, and for the changing and amendment thereof from time to time as may be necessary. And for the purpose of commencing to organize and making necessary rules, the said present board of officers and persons who have signed said articles of association, or a majority thereof, as soon as this act becomes a law, may get together and exercise all and singular the powers aforesaid, necessary or expedient. It being expressly provided that this corporation shall never exercise banking powers or brokerage business, or any thing in the nature thereof; that it shall make no regulations or rules contrary to law; that it shall at all times be subject to the inspection of the legislature, or a committee thereof; and shall make a full report of all its affairs and doings, whenever required by said legislature. All the shareholders shall be jointly and severally liable for all debts and contracts of the company until forty per cent of the capital stock shall have been paid in, and also for all the debts of the company of every description after the capital stock of the company shall have been exhausted.

Time of
commencement
of operation.

Sec. 5. Unless the said corporation shall have established their manufactory, and so far progressed therewith as to begin supplying gas to some portions of the city within twenty-four months from the passage of this act, this act shall cease and become null and void.

Sec. 6. That the property of every individual, vested in said corporation, shall be liable to be taken on execution for the payment of his or her just debts, in such manner as is or may be prescribed by law.

Sec. 7. That this act be and the same is hereby declared to be a public act; and that the same be construed in all courts and places, favorably for every beneficial purpose therein mentioned.

Sec. 8. The legislature may at any time alter, amend or repeal this act for any violation of this charter.

Approved March 14, 1849.

[No. 83.]

AN ACT to incorporate the Isle Royal Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Charles C. Douglass, Leander Ransom, John Erwin, Samuel L. Mather, John W. Allen and Charles M. Giddings, and others who may be associated with them, are hereby constituted a body corporate by the name of the Isle Royal mining company, for the purpose of mining, smelting, and manufacturing ores, minerals and metals in the state of Michigan. Incorporation.

Sec. 2. The said company shall have corporate succession; its capital stock shall be one hundred and twenty thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be divided into twelve thousand shares. The said company may acquire and hold such real and personal estate on Isle Royal and the upper peninsula of Michigan, as the business of the company may require, not exceeding the capital stock hereby authorized, and may make such by-laws for its management and the conduct of the business generally, of the company, as may be expedient consistent with the provisions of this act. Capital stock and real estate.

Sec. 3. The officers of said company shall consist of a president and five directors, of whom the president shall be one, a secretary and treasurer, who may, be one and the same person; and the company may levy assessments on the shares of its stock, and forfeit or sell the same for non-payment, in such manner as said company may by its by-laws prescribe: and one of the directors shall at all times be a citizen and resident of Michigan, upon whom service of all process against said company shall be made, and which shall be legal service upon said company. Officers.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company; and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which State tax, annual report, &c.

has been actually paid in, on the capital stock of said company, and also the whole amount which, at any time, has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and shall be included in the return to the state treasurer hereinbefore required.

Sec. 5. The legislature may at any time alter, amend or repeal this act for any violation of its provisions.

1st meeting of company. Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants of this state. Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and the entire property of the company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state; which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages, against said company.

Business office of company. Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the directors, locate a business office for said company, within the state of Michigan; and file in the office of the secretary of state a certificate specifying the place of such location; and all annual and other meetings of said company, shall be held at such place as the by-laws of the company may direct.

Duration of charter. Sec. 9. This act shall take effect from its passage, and be in force for thirty years thereafter; but nothing herein contained shall confer banking powers, or the power to deal in money, exchange or to purchase bank or public stocks or for any other purposes than those herein particularly specified.

General provisions. Sec. 10. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Approved March 14, 1849.

[No. 84.]

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That town number nine north of range number eleven west, in the county of Kent, be, and the same is hereby set off from the township of Plainfield, and organized into a separate township by the name of Algoma, and the first township meeting therein, shall be held at the school house in district number three, in said township; and also to set off from the township of Plainfield, town number ten north of range eleven west, and attach the same to said township of Algoma.

Sec. 2. That town number nine north of range number nine west, in the county of Kent, be, and the same is hereby set off from the township of Cortland, and organized into a separate township by the name of Oakfield, and the first township meeting therein shall be held at the school house in school district number five, in said town; and also to set off from Cortland, town number ten north, of range nine west, and attach the same to Oakfield.

Sec. 3. That town number eight north of range fifteen west, excepting such portion thereof as lies on the south side of Grand river; also that portion of town seven north of range fifteen west, lying on the north side of Grand river, in the county of Ottawa, be, and the same is hereby organized into a separate township by the name of Crockery, and the first township meeting therein, shall be held at the house of William Hathaway, jr., in town eight.

Sec. 4. That town number five north of range number thirteen west, in the county of Ottawa, be, and the same is hereby set off from the township of Georgetown, and organized into a separate township by the name of Jamestown, and the first township meeting therein, shall be held at the house of James M. Crankright, in said township.

Sec. 5. That town number nine north of range number fourteen west, in the county of Ottawa, be and the same is hereby organized into a separate township by the name of Ravenna, and the first township meeting therein, shall be held at the house of Harvey Porter, in said township.

Sec. 6. That town number five north of range number eight west, in the county of Ionia, be, and the same is hereby set off

from the township of Boston, and organized into a separate township, by the name of Campbell, and the first township meeting therein, shall be held at the house of Marvil Church, in said township.

Part of
Keene at-
tached to
Otisco.

Sec. 7. That the north fraction of section number seven, in town number seven north of range number eight west, now a part of the township of Keene, in the county of Ionia, be, and the same is hereby set off from the said township, and attached to the town of Otisco.

Casco orga-
nized.

Sec. 8. That town number four north of range number fifteen east, in the county of St. Clair, be and the same is hereby set off from the township of China, and organized into a separate township by the name of Casco, and the first township meeting shall be held at the house of William Fenton, in said township.

Baltimore
organized.

Sec. 9. That town number two north of range number eight west, in the county of Barry, be, and the same is hereby set off from the township of Johnstown, and organized into a separate township by the name of Baltimore, and the first township meeting therein, shall be held at the house of Beardslee R. Blanchard, in said township.

Sheboygan
organized.

Sec. 10. That all that part of the state of Michigan, known as the county of Sheboygan, and now attached to the township of Holmes in the county of Mackinac, shall be set off from said township and organized into a separate township by the name of Sheboygan, and the first township meeting therein, shall be held at the house of Jacob Sammons, in said township.

Spring Lake
organized.

Sec. 11. That so much of the present organized township of Norton, in the county of Ottawa, as lies north of Grand river, in township eight north of range number sixteen west, and the south half of township nine north of range sixteen west, together with the fraction of town nine north of range seventeen west lying directly west of town nine north of range sixteen west and bordering on lake Michigan, be, and the same is hereby set off from the township of Norton, and organized into a separate township by the name of "Spring Lake," and the first township meeting therein shall be held in the school house near "Barber's Mills," in said township.

Fultmore or-
ganized.

Sec. 12. That town number four north of range number fourteen west, in the county of Allegan, be and the same is hereby set off

15?

from the township of Manlius, and organized into a separate township by the name of Fillmore, and the first township meeting therein shall be held at the house of Isaac Fairbanks, in said township.

Sec. 13. That town number five north of range number nine west, in the county of Kent, be, and the same is hereby set off from the township of Caledonia, and organized into a separate township by the name of Bowne, and the first township meeting therein shall be held at the school house in district number one in said township. Bowne organized.

Sec. 14. That the name of the township of Gates, in the county of Barry, shall be and the same is hereby changed to Yankee Springs. Gates changed to Yankee Springs.

Sec. 15. That all that part of the county of Ottawa, known as towns five and six, and all that portion of town seven north of range fourteen west, be organized into a separate township, to be called and known by the name of Allandale, and the first township meeting shall be held at the house of Richard Roberts, in said township. Allandale organized.

Sec. 16. That town number eight north of range number ten east in the county of Lapeer, now organized by the name of Mayfield, be and the same is hereby attached to, and made a part of the town of Lapeer, and the records and papers filed in the office of the clerk of said town of Mayfield, shall be deposited in the office of the clerk of said town of Lapeer. Mayfield attached to Lapeer.

Sec. 17. All acts and parts of acts contravening any of the provisions of this act be, and the same are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved March 15, 1849.

[No. 85.]

AN ACT authorizing the Commissioner of the State Land Office to sell certain Lots in the Town of Lansing, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the appropriation of block number two hundred and forty-eight in the town of Lansing, for the uses and purposes of a burial ground, heretofore made by the governor, secretary of state and auditor general, under and by virtue of the fourth section of the act entitled "an act granting to

Lansing burial ground vacated and sale thereof authorized.

Proceeds of
such sale
appropriat'd
to certain
uses.

school districts and religious denominations of professing christians, suitable ground in the town of Michigan, owned by the state, whereon to erect houses for public worship and school houses," approved April 3, 1848, be, and the same is hereby vacated and set aside; and it shall be the duty of the commissioner of the state land office, to sell the lots of land constituting said block number two hundred and forty-eight, in the same manner and on the same terms and conditions, in all respects, as if such appropriation had never been made. And the state treasurer is hereby authorized and required to pay all monies received by him on the sale of said block number two hundred and forty-eight, on the order of the board of health of the township of Lansing, to be applied by them towards the purchase money and the improvement of the grounds purchased for a cemetery by said board in said township of Lansing.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1849.

[No. 86.]

AN ACT to provide for the sale of University Lands in the County of Berrien.

Comm'r of
state land
office to is-
sue certi-
cate to Jas.
Aldrich for
certain l'nds
&c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be, and he is hereby directed to convey to James Aldrich, of the county of Berrien, a certain piece or parcel of land, lying south of the road leading from the village of Niles, in the county of Berrien, to Chicago, it being a part of the north-east quarter of section thirty-four, in township seven south, of range seventeen west, and containing about twenty-three and seventy-eight hundredths acres: *Provided*, The said Aldrich pays to the state of Michigan the amount due thereon; to the university fund, estimating the same in proportion to the whole amount which is due on said quarter section: *And also provided*, That satisfactory evidence be produced to the commissioner of the state land office, that said James Aldrich is the assignee of the purchaser of that part of the said quarter section of land, and that the university fund will not be prejudiced by the sale of said piece or parcel of land.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1849.

[No. 87.]

AN ACT to authorize Nancy Maria Sliker and others, minors, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nancy Maria Sliker, John C. Sliker and Hannah Sliker, minors, be and they are hereby authorized to convey by deed to Jacob Compton, of the county of Oakland, the equal undivided eighth part of the east half of the north-west quarter of section number thirty-three and the equal undivided one-eighth part of ten acres from the south-east corner of the west half of the north-west quarter of section number thirty-three, in township two north, of range eight east, in the Detroit land district: *Provided*, That the judge of probate of the county of Oakland shall be satisfied that said Jacob Compton in the life time of the wife of George Sliker, the father of said minors, contracted for said land and paid the purchase money therefor: *And provided further*, That the proceeds of said purchase shall, upon the execution of said conveyance, be invested pursuant to chapter seventy-eight of the revised statutes of eighteen hundred and forty-six for the benefit of said minors: *And provided also*, That said judge of probate shall certify on the back of such conveyance that he is satisfied that the purchase money of said premises was paid as hereinbefore mentioned, and that the same had been invested pursuant to said chapter seventy-eight, and which said conveyance when so executed, shall be as valid and effectual to convey the said lands as if said minors had been at the time of such conveyance of full age.

Minors authorized to convey certain lands under direction of probate judge of Oakland Co.

Provide.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 15, 1849.

[No. 88.]

AN ACT authorizing Isaac N. Swain to erect and maintain a dam across Paw Paw river in Berrien county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac N. Swain, his heirs

Dam authorized.

and assigns, are hereby authorized and empowered to erect and continue a dam across Paw Paw river, in the county of Berrien, on section twenty-three, township three south, in range seventeen west.

Height and
description
of dam.

Sec. 2. The said dam shall not exceed eight feet in height, above common low-water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts and other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times. And it shall be the duty of the owners of said dam at all times to keep said lock in repair, to pass any water craft through said lock, free of toll, without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owner the damages he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit. Any person who shall wilfully and maliciously destroy or injure the said lock or dam shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by fine and imprisonment in the discretion of the court.

Trespasses
thereon.

Lock or
sluice, &c.

Sec. 3. The said dam shall not exceed eight feet in height above common low water mark, and he shall construct and maintain a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every reasonable and necessary kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair by the person or persons using said dam; and the occupant of said dam, in lieu of said sluice or apron, is required to construct and maintain therein or thereat a convenient lock for the safe passage of boats, canoes, rafts or other water craft, at his own expense, whenever the circuit court of said county shall order the same to be done upon good cause shown.

Water may
be taken for
int. imp't
purposes.

Sec. 4. If at any time hereafter the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Isaac N. Swain, or any other person or persons owning said dam, to claim, or recover any damages therefor.

Rights of
persons re-
served.

Sec. 5. Nothing in this act shall be so construed as to authorize

the person above named, his heirs or assigns, to enter upon or flow the lands of any other person or persons.

Sec. 6. The legislature may at any time alter, amend or repeal this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 89.]

AN ACT relative to the Kalamazoo and Black Lake Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in act entitled "an act to incorporate the Kalamazoo and Black Lake plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription in stock to said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 90.]

AN ACT relative to the Flint and Fentonville Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in an act entitled "an act to incorporate the Flint and Fentonville plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months

after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 91.]

AN ACT relative to the Owasso and Bad River Plank Road Company.

Time for receiving subscriptions to capital stock extended, &c

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioners named in an act entitled "an act to incorporate the Owasso and Bad river plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2 All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 92.]

AN ACT relative to the Genesee County Plank Road Company.

Time for receiving subscriptions to capital stock extended, &c

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioners named in

an act entitled "an act to incorporate the Genesee county plank road company," approved April 3, eighteen hundred and forty-eight, be and the same are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 93.]

AN ACT relative to the Corunna and Saginaw Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioners named in an act entitled "an act to incorporate the Corunna and Saginaw plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Time for receiving subscriptions to capital stock extended.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 94.]

AN ACT to exempt certain property from taxation.

Exemptions
from taxation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following property shall be exempt from assessment and taxation:

1st. Household furniture, including stoves put up and kept for use in any dwelling house, not exceeding in value one hundred dollars:

2d. All spinning wheels and weaving looms, and apparatus not exceeding in value, fifty dollars:

3d. A seat, pew or slip occupied by any person or family in any house or place of public worship:

4th. All cemeteries, tombs and rights of burial while in use as repositories of the dead:

5th. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family:

6th. The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures:

7th. To each householder, ten sheep with their fleeces, and the yarn or cloth manufactured from the same, two cows, five swine and provisions and fuel for the comfortable subsistence of such householder and family for six months.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 95.]

AN ACT to amend Chapter one hundred and six of title twenty-two of the Revised Statutes.

Secs. 1 and 5
chap. 106 R.
S. amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections four and five, of chapter one hundred and six, of title twenty-two of the revised statutes, in relation to judgments and executions, be and the same are hereby repealed, and the following substituted in their places as sections four and five of said chapter, to wit:

“Sec. 4. Whenever judgment shall have been or may hereafter

be rendered in any court of record, execution to collect the same may be issued to the sheriff or other proper officer of any county of this state; and successive or alias executions may be issued one after another, upon the return of any execution unsatisfied in whole or in part, for the amount remaining unpaid upon any such judgment.

"Sec. 5. But no such execution or alias execution shall be issued, unless within two years from the time of the rendition of such judgment, or from the return day of the last preceding execution, or two years from the time when the party was entitled to sue out the same, unless the court, in term time, or some judge or justice thereof, or circuit court commissioner, in vacation, upon special application for that purpose, and due notice to the opposite party, shall make an order granting leave to issue the same."

Approved March 16, 1849.

[No. 96.]

AN ACT for the encouragement of Agriculture, Manufactures and the Mechanic Arts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in any county of this state where the inhabitants thereof have organized and established or may hereafter organize and establish a society for the encouragement and advancement of agriculture, manufactures and the mechanic arts, and shall raise from said society annually the sum of one hundred dollars or over, for the promotion of the above objects in said county, the board of supervisors of said county, at their annual session in each and every year, are hereby required to levy a tax of not less than one-tenth nor more than one-fifth of one mill on the dollar on the assessment roll of the county, which tax shall be collected and paid to the county treasurer of the county in the same manner that other taxes are collected and paid.

Tax to be levied by board of supervisors in certain cases.

Sec. 2. The treasurer of the county shall keep the sum so raised subject to the order of the board of supervisors of said county.

Sec. 3. The said board of supervisors shall draw upon the said treasurer for the sum so raised and the same shall be expended, under the direction of said board, for the benefit of said society in the

Apportionment of proceeds of such tax.

purchase of premiums, the diffusion of valuable agricultural, manufacturing and mechanical knowledge, or in such other way as shall in the opinion of the board be calculated to promote and encourage the important objects above specified.

Act repealed. Sec. 4. The act entitled "an act for the encouragement of agriculture," approved March second, eighteen hundred and forty-four, is hereby repealed.

Sec. 5. Any citizen of any county in which a society of the kind above named is or shall be organized, shall have a right to become a member thereof by complying with the rules and regulations of said society.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 97.]

AN ACT to authorize the Detroit Young Men's Society to contract a certain loan.

Detroit Y. M. Society authorized to contract a loan.

How loan to be appropriated.

May issue loan bonds, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Detroit young men's society be, and it is hereby authorized and empowered to contract a loan for the use of said society, not exceeding ten thousand dollars, and at a rate of interest not exceeding ten per centum; which shall be payable within twenty years: *Provided*, That a majority of the members of said society at a general meeting of said society, duly called by notice in one of the papers published in the city of Detroit, shall by a vote authorize such loan to be made: *And provided further*, That the money so to be borrowed shall be appropriated to the purposes of erecting and furnishing a building for the uses of said society or adding to its library, and to no other purposes whatever.

Sec. 2. In effecting such loan, said society may issue bonds, under its corporate seal, and signed by its president and secretary, to the amount of said loan, bearing interest at a rate not exceeding the rate hereinbefore prescribed, and redeemable at any time within said twenty years; and the said president and secretary may attach to said bonds, coupons for the interest that may from time to time fall due thereon.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 98.]

AN ACT to incorporate the Lapeer and Port Huron Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Jonathan R. White, Lorenzo M. Mason, Samuel Rogers, Noah H. Hart and James W. Sanborn, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lapeer and Port Huron plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Lapeer and Port Huron plank road company, with corporate succession.

Lapeer and
Port Huron
plank road
Incorporat'd

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Lapeer, in the county of Lapeer, to the village of Port Huron, in the county of St. Clair, with the right of uniting said road at any point with the plank road of any other company.

Route of road

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of seventy-five dollars each.

Capital stock

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature, that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expen-

Duration of
charter.

Amendment
and repeal of
charter.

ses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 99.]

AN ACT to amend an act entitled "an act to incorporate the Kalamazoo and Three Rivers Plank Road Company, and for other purposes."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of an act entitled "an act to incorporate the Kalamazoo and Three Rivers plank road company," approved March seventeenth, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in said section the names of "Daniel L. Kimberly, D. S. Walbridge and Hiram Arnold," and inserting in the place thereof the names of "William R. Watson, David B. Webster and Israel Kellogg."

Time for receiving subscriptions to capital stock extended, &c

Sec. 2. Within twelve months after the passage of this act, the commissioners last named aforesaid, with Evert B. Dyckman and Edward S. Moore, named in the act to which this act is amendatory, or a majority of them, shall proceed to estimate the length of the proposed road, and cause books to be opened for the subscription of stock in such company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved March 16, 1849.

[No. 100.]

AN ACT to change the name of the village of Groveland, in the county of Jackson, to that of Parma.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the village of Groveland, in the county of Jackson, be and the same is hereby changed to that of Parma, and by that name it shall hereafter be known and designated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 101.]

AN ACT to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six in relation to appeals.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four and one hundred and forty-five of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, be and the same are hereby repealed, and the following inserted in lieu of said sections, to stand as sections one hundred and forty-one and one hundred and forty-two:

"Sec. 141. The party appealing under the provisions of the preceding section, shall within five days after the rendition of the judgment, present to such justice an affidavit made by himself, his agent or attorney, stating that such judgment is not in accordance with the just rights of the party so appealing, as the person making such affidavit verily believes, and shall also set forth specifically the grounds of his objection to, or complaint of the proceedings before and the decisions by the justice."

"Sec. 142. The justice in addition to the particulars required by section one hundred and fifty-two of this chapter, shall make a full and complete return as to all matters stated and set forth in such affidavit and shall also return copies of all process, returns, pleadings and affidavits, upon which any process issued, and so much of the evidence and proceedings as may be necessary fully to exhibit

the questions, motions and decisions made and presented in such cause."

Secs. 159 &
160 chap. 93
R.S. repeal-
ed and new
secs. substi-
tuted.

New section

Sec. 2. Sections one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one and one hundred and sixty-two of said chapter ninety-three are hereby repealed, and the following substituted in lieu thereof:

New section

"Sec. 159. In all cases of appeal brought into the county court, if the appeal be not dismissed and there be an issue of law made in the cause, it shall be tried by the court: if an issue of fact, it shall, on demand of either party, be tried by a jury; but if no jury be demanded by either party, the issue shall be tried by the court."

New section

"Sec. 160. If the return of the justice to the appeal be made and filed six days before the first day of the next succeeding term of said county court, either party may notice the cause for trial."

New section

"Sec. 161. Such notice shall be in writing and shall be served at least seven days before the first day of the term at which such trial shall be intended to be had."

"Sec. 162. Such notice of trial may be served personally upon the opposite party or his attorney, if either are to be found within the county, and if not, then a copy may be left at the last place of residence of such party, and if he be not a resident of such county and have no attorney therein, then by posting up the notice in some conspicuous place in the office of the county clerk.

Sec. 3. This act shall take effect from and after its passage.

Approved March 16, 1849.

[No. 102.]

AN ACT to provide for improving Grand river, in the township of Lansing, as a public highway.

Waters of
Grand river
in the town-
ship of Lan-
sing may be
used for
hydraulic
purposes on
certain con-
ditions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if the owner or owners of any mill site in the township of Lansing, county of Ingham, on which the legislature has heretofore granted authority to construct a dam across Grand river, shall improve part of said river as a public highway, by erecting and maintaining a dam and lock suitable for the passage of boats, the inside dimensions of which lock shall be eighty feet long and eighteen feet wide, with three feet depth of water, for the free use of the citizens of the United States, and shall

pay the damages for flowing lands as hereinafter provided, then and in that case, the said owners, their heirs or assigns, in consideration of the erecting and maintaining such lock and dam, and paying the said damages, may thereafter use on their own lands for propelling mills and machinery, the surplus waters of said river over that which is required for supplying said locks; but no dam shall be erected to the injury of any mills lawfully existing, on any mill site above or below it, on the stream.

Sec. 2. The said dam and locks shall be erected whenever the circuit court shall order the same to be done, and if before such order is made, the said owner shall proceed to build such locks, a reasonable time, not exceeding two years, shall be allowed to complete it. When dam and locks shall be erected.

Sec. 3. If any lands are injured by being overflowed in consequence of the erection of such dam, and the parties cannot agree as to the amount of damages, an application for the appraisal of such damages may be made by either party, to the circuit court of the county in which the lands are situated, in term time, or it may be filed in vacation in the county clerk's office, setting forth therein a description of the lands so flowed, a copy of which shall be served on the other party, his agent or attorney, at least fourteen days previous to the meeting of the jury hereinafter provided to view and appraise said damages. Upon the filing such application in said court, the clerk thereof shall issue a summons directed to the sheriff of the proper county, commanding him to summon twelve discreet and disinterested freeholders within the circuit, to appear on a day certain to be therein named, which shall not be less than twenty days from the date of said writ, who shall be duly empaneled and sworn by the clerk of said court, or by a justice of the peace, faithfully and impartially to examine the premises described in the application, and appraise the damages sustained by the owner of said land in consequence of the overflowing of the same by the waters of such dam, and the jury thus impaneled and sworn, shall constitute a jury of view. The said jury, after thoroughly examining the quantity of land flowed and determining the amount of damages as aforesaid, shall return a sealed verdict to the clerk of the proper court issuing the summons, who shall open the same, and file it in his office, and it shall be confirmed by the court; the person in whose favor said award may, be made, may, if dissatisfied with said Jury of view Award of jury.

Appeal. award, removes the cause before the supreme court for their decision as in other cases.

In cases damages assessed are not paid, proceedings to be null. Sec. 4. If the person against whom the said damages may be awarded shall not within sixty days after the confirmation of the award, pay the same, with the cost, to the persons entitled to receive it, or deposit the amount with the county treasurer for their use, then the rights acquired under this act shall be null and void, at the election of the owner of the lands overflowed.

Bar of actions.

Sec. 5. After this act shall take effect no other action for damages than is provided herein shall be sustained until after the sixty days allowed for the payment of such damages and cost, and the full payment of such damages and costs shall be a final bar to all claims for damages on such lands in consequence of the erection of said dam.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

[No. 103.]

AN ACT to authorize Esther Tuthill to convey certain real estate.

E. Tuthill authorized to convey certain land with consent of probate judge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Esther Tuthill, of the township of Northfield, in the county of Washtenaw, be and she is hereby authorized to sell and convey the following described land, to wit: the south-west quarter of the north-west quarter of section fourteen, in township one (1) south of range six (6) east: *Provided*, It shall be made to appear to the satisfaction of the judge of probate for the county aforesaid, that the above described land is the property of the children of the said Esther Tuthill, and that it is necessary for their interest to make such sale.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

[No. 104.]

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Van Buren, known and designated as township number one south of range number thirteen west, be and the same is hereby set off from the township of Almena, and organized into a separate township by the name of Pine Grove, and the first township meeting to be held at the house of Henry F. Bowen, in said township. Pine Grove.

Sec. 2. That the county of Huron be and the same is hereby set off from the township of Lexington, to which it was attached by act number 69, of eighteen hundred and forty-seven, and organized into a separate township by the name of Point Aux Barque, and that said township be and the same is hereby attached to the county of Saginaw, and the first township meeting to be held at the house of Robert Emerson, in said township, or such other place as a majority of the electors of said township shall determine. Point aux Barque.

Sec. 3. That so much of township number six north of range number eight west as lies north of Grand river, be and the same is hereby set off from the township of Keene, in Ionia county, and attached to the township of Boston, in said county. Boston.

Sec. 4. That all that part of the township of Ira, in the county of St. Clair, described as follows, to wit: commencing at the border of lake St. Clair, on the east line of the old Chippewa reserve, thence northerly on the east line of said reserve to the south line of the township of China, thence east to the east line of the township of Cottrellville, thence south to the south line of the township of Ira, be and the same is hereby set off from the township of Ira, and attached to the township of Clay, in said county. Part of Ira attached to Clay.

Sec. 5. That the name of the township of Florida, in the county of Hillsdale, be and the same is hereby changed to Jefferson. Florida changed to Jefferson.

Sec. 6. This act shall take effect from and after its passage.

Approved March 17, 1849.

[No. 105.]

AN ACT to alter the town line dividing the townships of St. Clair and China, in the county of Saint Clair.

Town line
between St.
Clair and
China.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the town line dividing the townships of Saint Clair and China, in the county of Saint Clair, shall henceforth be so changed as to run on and with the lines hereinafter designated, to wit: said altered line shall commence at that point where the present line intersects the west side or line of private claim number three hundred and six, according to the United States survey thereof, and run thence northerly along said west side or line to the northwest corner of said private claim, thence easterly along the north end or line thereof to the northeast corner of the same, thence southerly along and with the east side or line thereof to the south east corner of said private claim, which corner is in or near Pine river, thence easterly and variously along and with said Pine river until it intersects with the south line of lands now or late belonging to George Palmer, and thence along and with said George Palmer's south line until it reaches the channel bank of the river Saint Clair.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

[No. 106.]

AN ACT to change the name of Augustus Kendricks.

Name changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of Augustus Kendricks, a minor of the county of Jackson, be and the same is hereby changed to that of Augustus Seidle, and he shall hereafter be known by that name.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 107.]

AN ACT to provide for the support of a system of international exchange.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor of this state be, and he is hereby authorized to appoint some suitable person residing in the city of Paris, in France, to be the agent of this state in transmitting to, and receiving from this state all such works and objects as are intended as the subjects of international exchange.

Governor to appoint international exchange agent at Paris

Sec. 2. The sum of two hundred dollars, annually, is hereby appropriated to defray the expenses of the said agency in the city of Paris, in receiving from and transmitting to this state such works as may be made the subject of international exchange.

\$200 appropriated for support of agency.

Sec. 3. When the secretary of the state shall have been officially informed that the agency provided for in the first section of this act has been duly established, he shall, upon his order, annually draw from the treasury and transmit to said agent the said sum of two hundred dollars provided for in the second section of this act, and the said agent shall report annually to the governor of this state all his transactions relative to said agency.

To be paid by secretary of state.

Annual report of agent

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 108.]

AN ACT to vacate a portion of the plat of the village of Berrien, in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the recorded plat of the village of Berrien, in the county of Berrien, lying north of Hamilton street, and also the following lots lying on the river Saint Joseph, numbered sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, together with so much of Bluff street as lies between said lots, and the top of the bluff on said river, be and the same is hereby vacated.

Part of the village of Berrien vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 109.]

AN ACT to provide for the payment of officers attending on the Courts of Chancery.

Fees of sheriffs amending court of chancery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any sheriff or deputy sheriff shall be entitled for each day's lawful attendance upon any court of chancery of this state, to the same compensation as is allowed for like service in the supreme court of this state, to be audited and paid in the same manner as accounts for such services hitherto rendered in said courts of chancery.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 110.]

AN ACT amending an act relative to plank roads, approved March 13, 1848.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, be amended by striking out the word "six" in the first line of said section, and inserting in lieu thereof the word "eighteen."

Sec. 2. Section nineteen of said act is hereby amended by striking out the word "two" in the second line of said section, and inserting in lieu thereof the word "three."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 111.]

AN ACT to authorize the Supervisors of the county of Kent to construct a free bridge across Grand River, at or near the mouth of Flat River, in the township of Lowell.

Free bridge authorized in Kent Co.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the

county of Kent be, and they are hereby authorized to construct a free bridge across Grand river at or near the mouth of Flat river, in the township of Lowell, in said county: *Provided*, said bridge shall be so constructed as not to unnecessarily obstruct the navigation of said river.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 112.]

AN ACT to authorize the heirs of William Mochmoer, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the minor heirs of William Mochmoer, of the township of Sterling, county of Macomb, and state of Michigan, by their legal guardian or guardians, be and they are hereby authorized to execute a good and sufficient deed to William Connell and his wife, of the following described land, to wit: being the west half of the north east quarter of section seven, in township No. two north of range No. twelve east: *Provided*, The said Connell and wife, shall execute to the said heirs, and the widow of the said William Mochmoer, a deed, releasing all their right, title and interest in the east half of the north east quarter of the said section, and that they have not encumbered the same. And the said deed hereby required to be executed by the guardian or guardians of the said minor heirs, when made, acknowledged and recorded in accordance with the laws of this state, shall be as effectual and valid, as if the said minor heirs were at the time of the execution of said deed of full age; provided no such conveyance shall be of any effect, unless the judge of probate of said county of Macomb, shall, under his hand and seal of office, certify upon the back of said conveyance, his approval of the same.

Certain minors authorized to convey land by deed of guardian.

Assent of judge of probate required.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 118.]

AN ACT to incorporate the Monroe and Newport plank road company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William White, John M. Morrow, Robert Duff, James M. Chamberlin and Daniel S. Bacon, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Newport plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Monroe and Newport plank road company.

Route of road. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from any point in the city of Monroe, in the county of Monroe, through the village of Brest, to any point in the village of Newport, in said county.

Capital. Sec. 3. The capital stock of said company shall be thirty thousand dollars in twelve hundred shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation, by the company, of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions. Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved March 21, 1849.

[No. 114.]

AN ACT to incorporate the Temple Building Company of Battle Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Cholett Cady, John Stewart, Reuben Pew, Homer Marsh, Benjamin F. Hinman, Joseph Barton, and Alanson Cantine, of the county of Calhoun, and their successors in office, be and the same are hereby constituted and declared a body corporate and politic in fact and in name, under the name and style of the temple building company of Battle Creek, and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever.

Incorporation of Temple Building company.

Sec. 2. The persons named in the preceding section, and their successors in office, may have a common seal, and may change the same at their pleasure, and by the name of the temple building company of Battle Creek shall be capable in law of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, to an amount not exceeding thirty thousand dollars, for the purposes hereinafter mentioned, and no other, and they and their successors in office shall have full power to make and enter into contract, and from time to time to make such rules and by-laws as shall be necessary for the good government and success of said company, and they the same may alter, amend or repeal: *Provided*, such rules and by-laws be not inconsistent with the laws and constitution of the United States and of this state.

Corporate rights and powers.

Sec. 3. The capital stock of said company shall not exceed twenty thousand dollars, and shall be divided into shares of twenty-five dollars each.

Capital.

Sec. 4. The said company shall have power to build, complete and continue in the township of Battle Creek, a building or block of buildings with suitable fixtures, appurtenances and additions, to be divided into stores, shops, offices, dwellings, and rooms for the accommodation of meetings, lyceums, clubs, and assemblies, any or all of them.

Objects of company.

Sec. 5. There shall be seven directors of the said company who

Directors.

shall be members thereof, and who shall manage all the affairs thereof, and the first directors shall be Cholett Cady, John Stewart, Reuben Pew, Homer Marsh, Benjamin F. Hinman, Joseph Barton, and Alanson Cantine, who shall hold their offices and have and exercise the powers and franchises hereby granted, until the first Monday in January, eighteen hundred and fifty, and until others are elected or appointed in their places.

Annual
meeting of
company.

Sec. 6. There shall be on the first Monday of January, eighteen hundred and fifty, and on the first Monday of January in every succeeding year, a general meeting of the stockholders of said company at such place in the township of Battle Creek as shall be appointed by the directors or the by-laws of such company, and a majority of the stockholders who shall meet in person or by proxy, shall elect by ballot seven of the stockholders to be directors of the said company for the year next ensuing, and until others shall be elected or appointed in their stead.

Officers.

Sec. 7. The directors of said company shall have power to choose of their own number a president, treasurer and secretary, who shall immediately enter upon the duties of their offices, and hold the same until the first Monday in January next ensuing, and until others are chosen in their stead; and in case any of the directors shall die, resign, remove from the county or refuse or neglect to act, then and in such case, the remaining directors may at any time within forty days thereafter, elect by ballot other stockholders of the said company in their stead, who shall hold their offices in the same manner as those first elected; and in case of the death, removal from the county, resignation or refusal to act of either the president, treasurer, or secretary of the said company, the directors of said company shall have power to fill the vacancy so happening, as in the first instance.

Of shares &
shareholders

Sec. 8. Each stockholder shall be entitled to one vote for each share of which he may be the holder, and the directors of said company shall receive subscriptions for shares of stock in said company, under such rules as they may direct, until the capital stock may be taken or subscribed; the said shares shall be assignable and transferable according to such rules as the board of directors shall from time to time make and establish, and shall be personal property for all purposes whatsoever.

Sec. 9. In case it shall at any time happen that an election of directors of such company shall not be held at the time or at the place designated for such election, the corporation shall not for that reason be deemed to have been dissolved, and it shall be lawful for the stockholders of such company to hold a meeting for such election, at such other time as may be designated by a majority of such stockholders.

Failure to hold regular election no forfeiture of charter.

Sec. 10. The said directors shall from time to time faithfully apply all moneys and means of whatever name or kind by them collected or acquired, to the use of said company, according to their best judgment, in purchasing a sufficient quantity of land and erecting thereon a building or block of buildings in the said township of Battle Creek, to be divided and used as hereinbefore designated, and after such building or block of buildings shall be completed, to dispose of any surplus means or the profits arising from the investment in such manner as shall be directed by the rules and by-laws of the company.

Duties of directors.

Sec. 11. All process against said company shall be by summons, and shall be served by leaving an attested copy thereof with the president or secretary, at least ten days before the return day thereof, and in case of the absence of the said president and secretary, at the place of abode of one of them.

Service of process on company.

Sec. 12. The stockholders of such company shall be jointly and severally liable for the debts of said company: *Provided*, That no execution shall issue against the individual property of any stockholder, until the property of said company shall have been first exhausted.

Liability of stockholders

Sec. 13. The legislature may, at any time, alter, amend or repeal this act.

Right of repeal, &c.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 115.]

AN ACT to incorporate the Battle Creek and Dry Prairie Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles L. Miller, William H.

Incorporation.

Cross, of St. Joseph county, Benjamin F. Ferris, Martin Kellogg and Hiram Doubleday, of Branch county, Asahel Stone, William Brooks, Jonathan Guernsey and Russell Alvord, of Calhoun county, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Dry Prairie plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Dry Prairie plank road company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Battle Creek, in the county of Calhoun, on the most eligible and direct route, to Dry Prairie, in the township of Athens, in said county, with the privilege to extend the same from thence on the most eligible route to some point on the St. Joseph river, in the town of Colon or Leonidas, in St. Joseph county.

Capital.

Sec. 3. The capital stock of said company shall be thirty thousand dollars to be divided into one thousand and two hundred shares of twenty-five dollars each, with the power to increase said capital stock to fifty thousand dollars with a corresponding increase of the number of shares. If within two years from the passage of this act, the commissioners shall not proceed to estimate the length of said road and cause books to be opened for the subscription of stock to said company; and if within four years after the passage of this act they shall not have commenced the construction of said road and actually paid in ten per cent of the capital stock of said company, then this act shall be null and void.

Duration of
charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall ex-

Amendmen
repeal, &c.

ceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act, so far as they do not contravene the provisions of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 21, 1849.

[No. 116.]

AN ACT to authorize certain Indians to convey lands in the county of Allegan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Shu-shaw-a-ne-bi-si, alias Matagama, oldest son and heir of Peter Shu-shaw-a-ne-bi-si, deceased, is hereby authorized and empowered to sell and convey, by deed, the following described parcel of land, owned by the said Peter Shu-shaw-a-ne-bi-si, deceased, to wit: the east half of the east half of the south east quarter of section four, town four north of range fifteen west, containing forty acres of land; and that Amimekese Nawabano, brother of Joseph Nawabano, deceased, is hereby authorized and empowered to sell and deed the following described parcel of land owned by the said Joseph, at the time of his decease, to wit: eight acres situate in the south east corner of the north west fractional quarter of the north east quarter of section three of town four north of range fifteen west, all of which lands are situated in the colony of Old Wing, Allegan county: *Provided always*, That George N. Smith, missionary in the colony to which said Indians belong, shall consent to all sales of land made by authority of this act, and shall endorse his approval of such sale upon the deed or deeds executed: *And provided further*, That the judge of probate of the county of Allegan, shall also consent to any sale made, or deed given by authority of this act, and signify such consent in writing, upon such deed or deeds. Certain Indians authorized to convey land with assent of judge of probate.

Sec. 2. Any deed made under the provisions of this act, and executed according to existing laws, and approved by said George N. Smith, and said judge of probate as herein provided, shall be valid to pass the intent authorized to be conveyed by this act.

Sec. 3. This act shall be in force from and after the 1st day of June next.

Approved March 21, 1849.

[No. 117.]

AN ACT to amend section fifty-two of Chapter twenty of the Revised Statutes of 1846.

Sec 52 chap 20 of RS amended. **Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section fifty-two of chapter twenty of the revised statutes of eighteen hundred and forty-six, shall be amended by adding at the end of said section the words, "and said treasurer shall account to the township board for the per cent. added for collection expenses on all non-resident lands returned to the county treasurer."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 118.]

AN ACT to authorize James S. Pitts to convey real estate.

Minor authorized to convey real estate on certain conditions. **Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James S. Pitts, a minor, of the county of Kalamazoo, be and he is hereby empowered to sell and convey to George Thomas, or any other person of said county, any real estate of which the said James S. Pitts may now be the owner; which conveyance, when made, acknowledged and recorded in accordance with the laws of this state, shall be as effectual and valid as if the said James S. Pitts, at the time of such conveyance, was of full age: *Provided,* The approval of the judge of probate of the county of Kalamazoo shall be first obtained and endorsed upon the instrument of conveyance.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1849.

[No. 119.]

AN ACT to incorporate the Niles and Mottville Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James L. Glenn, Hiram P. Mather, J. M. Finley, Henry B. Hoffman, Nathaniel Bacon, George Meacham, Ezra Hatch, Moses Joy, Hiram Hollibard, Orin E. Thompson, Henry Follett, and Norman Sage, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Niles and Mottville plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Niles and Mottville plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Niles, in the county of Berrien, to the village of Mottville, in the county of St. Joseph. Said road shall be constructed by the way of the village of Edwardsburgh and Adamsville, or Cassopolis, in the county of Cass. Route of road.

Sec. 3 The capital stock of said company shall be one hundred thousand dollars, in four hundred shares of twenty-five dollars each. Capital and shares thereof.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend, or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter,—its amendment, repeal, &c.

Sec. 5. The provisions of an act entitled an act relative to plank General provisions.

roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 5. This act shall take effect from and after its passage.

Approved March 22, 1849.

[No. 120.]

AN ACT to incorporate the Decatur, Lawrence and Breedsville Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Aaron W. Broughton, Marvin Hernnals, William B. Sherwood, Henry Coleman, Jonathan N. Hinkly, Milo J. Goss, Benjamin F. Chadwick, Horatio N. Phelps, Israel Kellogg and John Andrews, of the county of Van Buren, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Decatur, Lawrence and Breedsville plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Decatur, Lawrence and Breedsville plank road company, with corporate succession.

Route of road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Decatur, on the most eligible route to the village of Lawrence, thence upon the most eligible route to the village of Breedsville, in the county of Van Buren.

Capital and shares thereof.

Sec. 3. The capital stock of said company shall be forty thousand dollars in one thousand shares of forty dollars each.

Duration of charter—its amendment, repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and

above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. Said company shall be subject to all the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved, March 22, 1849.

[No. 121.]

AN ACT to incorporate the Tecumseh and Dundee plank road company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William H. Zabriski, Charles T. Cady and Abijah Russel, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Tecumseh and Dundee plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body politic and corporate by the name and style of the Tecumseh and Dundee plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from any point in the village of Tecumseh, in the county of Lenawee, on the most eligible route to any point in the village of Dundee, in the county of Monroe. Route of road.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, in twelve hundred shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be, and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment, or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, Duration of charter—its amendment, repeal, &c.

unless the yearly net profit of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 22, 1849.

[No. 122.]

AN ACT to provide for the election of County Judge for Ingham County.

Special election for Co. judge for Ingham Co.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the electors of the county of Ingham, in this state, to hold a special election therein on the first Monday of April, A. D. 1849, for the purpose of filling the vacancy now existing in the office of county judge of the county court of such county. The county clerk of said county shall give at least three days notice of such election, before the first Monday of April aforesaid, to the township clerks of the several townships of said county.

Return and canvass of votes.

Sec. 2. The votes cast at such election shall be canvassed, the result certified and determined in the manner, and under the restrictions and regulations provided by existing laws, for holding special elections.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1849.

[No. 123.]

AN ACT to incorporate the Pontiac and Waterford Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin Phelps, W. M. McConnell, Ephriam S. Williams, Joshua Terry and Alfred J. Boss,

be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Pontiac and Waterford plank road company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Pontiac and Waterford plank road company, with corporate succession.

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Pontiac, in the county of Oakland, to Waterford, in said county. Route of road.

Sec. 3. The capital stock of said company shall be ten thousand dollars, in four hundred shares of twenty-five dollars each, and certificates of subscription to stock in said company shall be issued upon the payment of one dollar upon each share, under the direction of a majority of the commissioners. Capital and shares thereof.

Sec. 4. The company hereby incorporated shall have power to levy and collect tolls as soon as three miles of the road shall have been completed. When tolls may be collected.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal, shall not be made within thirty years after the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above its expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter—its amendment, repeal, &c.

Sec. 6. The said company shall be subject to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, except so far as otherwise provided in this act. General provisions.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 23, 1849.

[No. 124.]

AN ACT to continue for a limited time the charter of the Farmers' and Mechanics' Bank of Michigan.

*Extension of
charter.*

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the powers, privileges and franchises heretofore granted the stockholders of the Farmers' and Mechanics' bank of Michigan, by an act approved November fifth, eighteen hundred and twenty-nine, and by an act approved March seventh, eighteen hundred and thirty-four, be and the same are hereby continued and confirmed to the stockholders thereof, for the term of twenty years beyond the times specified and limited by the acts aforesaid, subject to the restrictions and limitations hereinafter contained.

Notes of issue to be secured by pledge of state stock, and within 1 year, &c.

Sec. 2. That within the term of one year after the expiration of the present charter, all the bills or notes issued by the said bank, shall be secured by stocks of the United States, or state of New York, or of six per cent. stocks of the state of Michigan, on which interest is paid; which said stocks shall be deposited with the state treasurer, and the state treasurer, or the deputy state treasurer, under the direction of the state treasurer, is authorized and required to countersign, in a uniform manner, as nearly as possible, all the bills or notes which shall be presented to him for that purpose by said bank, which, by law, they shall be authorized to issue; and it shall be the duty of said treasurer to register all notes and bills countersigned by him, in a book kept for that purpose; and after one year from the expiration of the present charter, the said bank shall not pay out any of its own bills or notes not countersigned and registered as above provided. The bank shall be entitled to have thus countersigned, and delivered to them, an amount equal to the amount of the stocks thus deposited, estimated at their market value in the city of New York at the time of delivery to the state treasurer. And the said bank shall deposit with the state treasurer, fifty thousand dollars of the stocks aforesaid, within one year after the expiration of its present charter, and fifty thousand dollars in addition thereto, within three years after the time of the expiration, as aforesaid. And the amount of stocks so deposited shall not, at any time after the expiration of the three years, aforesaid, be less than one hundred thousand dollars. All of the bills or notes not countersigned and registered, which shall be in the possession

Issue & registry of notes by state treasurer, countersigned by him, &c.

of the said bank, when the bills or notes thus countersigned and registered, are delivered to said bank, shall be destroyed in the presence of the state treasurer, or before some person appointed by him for that purpose. And all bills or notes not so countersigned and registered, which shall come into the possession of said bank thereafter, shall be destroyed in like manner. And all bills or notes now or hereafter issued by the said bank, shall have preference over all debts whatsoever, upon all the assets and property of the said Farmers' and Mechanics' bank; and for any deficiency in the assets and property of the said bank, to pay the bill-holders, the directors and present stockholders shall be individually liable, and shall continue thus liable until all bills or notes of said bank, not countersigned, shall be fully redeemed. The said bank shall not at any time within one year after the expiration of its present charter, issue bills exceeding in amount the capital stock thereof actually paid in.

Sec. 3. If the said bank shall at any time, or under any pretence, refuse, on demand at its office, where the notes are payable, during the usual and regular banking hours, to pay any of its notes in the lawful currency of the United States of America, the holder of said notes may make and file his affidavit of that fact with the state treasurer, who shall forthwith give notice that the notes of said bank will be redeemed at the office of the said treasurer; and he is authorized and required to sell, at public or private sale, within twenty days, so much of any stocks deposited with him, as shall be necessary to redeem any notes of said bank, and apply the proceeds of said stocks in the redemption of such notes; no stock shall be sold at private sale for less than the par value thereof, nor for less than their market value in New York, if such market value is above par; nor shall stock be sold on credit; and for any deficiency in the sale of said stocks to pay the holders of its notes, the directors and stockholders shall be individually liable. The treasurer shall pay the full amount of notes or bills, out of any money he may receive, whether from sale of stocks, or from the receiver or receivers; and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of the stockholders upon their individual liability.

Notes preferred over other debts, and liability of stockholders for redemption thereof.

On failure to redeem, bill holder to make affidavit & file the same with state treasurer—duties of state treasurer thereupon.

Sec. 4. The stocks deposited with the state treasurer, for the se-

Stocks deposited for security of bill, to be held for that purpose exclusively.

curity of the circulating notes by him countersigned and delivered to said bank, shall be held by him exclusively for that purpose, until such notes are redeemed, except as herein otherwise provided.

Bank entitled to dividend on such stock, except in certain specified cases.

The bills or notes so countersigned, shall have stamped or printed on them the words, "secured by the pledge of stocks," and shall be thus countersigned and delivered to the amount to which said bank has entitled itself, on the written order of the president or cashier. The bank shall be entitled to receive the interest, or dividend, on all stocks deposited, under the second section of this act, unless they fail to redeem their circulating notes: *Provided however*, That whenever the price of any of the stocks pledged for the security or redemption of the circulating notes of said bank, shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value at which such stock shall have been estimated, when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received, when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal in amount for which such stocks were deposited, or immediately give notice thereof to the president or cashier of said bank, who shall forthwith return to said treasurer an amount of circulating notes, so countersigned, equal to the depreciation of said stocks.

Annual examination of bank by state treasurer.

Sec. 5. It shall be the duty of said treasurer to examine into the affairs and condition of said bank, at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to administer all necessary oaths to the directors, officers, agents, and clerks of said bank, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general, and secretary of state, or a majority of them, should decide at any time that said bank was insolvent, either upon the examination of the treasurer, or upon satisfactory evidence to them, that said bank has refused to pay any of its circulating notes, when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bond and securities as they shall deem proper; who shall proceed to take possession of the books, records, and assets of every description of said bank, collect all debts, dues, and other claims belonging to said bank; settle and compound for all bad and doubtful debts, sell all the real and personal property of said bank,

In case of insolvency receiver to be appointed by state treasurer, aud. general & secretary of state.

prosecute the stockholders of said bank, in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general, and secretary of state or a majority of them, shall determine; which the state treasurer shall pay out of any money paid into his office by said receiver or receivers, and all other expenses shall be determined and paid in the same manner. The state treasurer shall cause notice to be given by advertisement, in one daily paper published in the city of Detroit, and also in the state paper, for six consecutive months, calling on all persons who have claims against said bank, to make legal proof, and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said bank, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers, on all such claims as may have been proved; and from time to time, as the proceeds of the assets of said bank shall be paid over to him, the said treasurer shall make further dividends as aforesaid on all claims proved; and the remainder, if anything, shall be paid over to the stockholders of said bank, or their legal representatives, in proportion to the stock by them severally held. The auditor general, secretary of state, and state treasurer, or a majority of them may, at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may re-instate said bank in the possession of any and all assets, that may have been in possession or charge of said receiver or receivers; and any of the justices of the supreme court are hereby authorized summarily to make an order, or issue any process, which a court of chancery might make or issue, to enable the said officers to carry out the provisions of this act.

Duties of receiver.

Duties of state treasurer in redemption of notes.

Vacation of appointment of receiver, &c.

Sec. 6. The said bank shall pay the state treasurer on or before the second Monday in each year thereafter during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes, provided that the value of real estate, as assessed by the proper town officers or estimated by the state treasurer which may be owned in fee by said bank, shall be deducted from said capital stock, for the purpose of taxation, and all real estate owned by said bank, shall be taxed as other property in the several townships cities and villages, where the same may be situated.

State tax.

Sec. 7. No more than seven per cent. per annum, shall be taken

Rate of discount.

for any loan or discount under any pretence whatever by said bank, nor shall said bank at any time pay out any bills or promissory, notes of other banks which are not at par value in the city of Detroit at the time of such paying out, and shall not at any time after one year from the expiration of the present charter, issue or put in circulation any note, draft, bill of exchange, acceptance, certificates

Emission of bills of other banks regulated.

of deposits or other evidence of debt of its own emission, which from its character or appearance, shall be calculated or intended to circulate as money, other than such notes or bills of circulation as are countersigned, as by this act provided, and which said bank are expressly authorized to issue, for the purpose of being circulated as money. All transfers of the notes, bonds, bills of exchange, and other evidences of debt, owing to said bank, or of deposits to its credit, all deeds of conveyance, of real estate, all assignments of mortgages or other securities on real estate, or of judgments or decrees in its favor; all sales, assignments or other disposition of any personal property or of any chose in action belonging to said bank, all deposits of money, bullion or other valuable thing, for its use or for the use of any of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, shall be held utterly null and void.

Assignm'ts, &c. in view of insolvency, void.

State treasurer to publish annually a statement of condition of bank.

Sec. 8. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said bank, at least once in each year, as ascertained, when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks and redeeming of the bills as provided in this act, and of the registering and countersigning of the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said bank.

Assent of stockholders to this act required to be filed in secretary of state's office

Sec. 9. The charter of said corporation shall not be extended by virtue of this act unless the present stockholders or their representatives shall, on or before the fifth day of November, A. D. eighteen hundred and forty-nine, cause to be filed with the auditor general of this state, a certificate under the corporate seal of said bank, and signed by its president and cashier, setting forth that said corporation assents to become subject to all the provisions of this act.

Sec. 10. The legislature may at any time, alter, amend or repeal this act.

Approved March 24, 1849.

[No. 125.]

AN ACT to incorporate the Ray and Almont Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That David Ingalls, Daniel Black, Neil Gray, jr., Norman Perry, and Porter Kibbee, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ray and Almont plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Ray and Almont plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from Grey's mill (so called) in the township of Ray, in the county of Macomb, on the most eligible route to the village of Almont, in the county of Lapeer. Route of road.

Sec. 3. The capital stock of said company shall be fifteen thousand dollars, in seven hundred and fifty shares of twenty dollars each, with power to increase said capital stock to twenty thousand dollars, with a corresponding increase of the number of shares. Capital and shares thereof.

Sec. 4. This act shall be, and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided* That after the said thirty years, no alteration or reduction of tolls of said company shall be made during its existence, unless the yearly net profit of said company over and above all expenses, shall Duration of charter—its amendment, repeal, &c.

exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Company
may connect
with Mt.
Clemens &
Romeo P. R.
company.

Sec. 5. Said company hereby created shall have power to, and may connect the said road with the road of the Mt. Clemens and Romeo plank road company at or near Grey's mills, aforesaid, by and with the consent of the said Mt. Clemens and Romeo plank road company.

General pro-
visions.

Sec. 6. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act.

Sec. 7. This act shall take effect from and after its passage.

Approved March 24, 1849.

[No. 126.]

AN ACT to incorporate the Trenton and Ypsilanti Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James I. David, Arthur Edward, S. F. Atwood, Harry Saunders, and Henry Raymond, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Trenton and Ypsilanti plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Trenton and Ypsilanti plank road company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Trenton, in the county of Wayne, on the most eligible route to the village of Ypsilanti, in the county of Washtenaw.

Capital.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, divided into two thousand shares of twenty-five dollars each.

Duration of
charter—its
amendment,
repeal, &c.

Sec. 4. This act shall be and remain in force for the term of six-ty years from and after its passage, but the legislature may, at any time, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not

be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of tolls of the said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there shall be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 24, 1849.

[No. 127.]

AN ACT for the relief of School District number eight of the township of Ransom, in the county of Hillsdale.

Whereas, In consequence of a vacancy occurring in the office of Preamble.
director of school district number eight, of the township of Ransom, in the county of Hillsdale, preceding the last annual school meeting in said district, whereby a compliance with the provisions of section fifty-four of chapter fifty eight of the revised statutes of eighteen hundred and forty-six, was prevented, therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the present director of school district number eight, of the township of Ransom, in the county of Hillsdale, be, and he is hereby authorized, at any time within twenty days after the passage of this act, to report directly to the superintendent of public instruction, all the facts required by the provisions of section fifty-four of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, which report shall embrace all matters pertaining to said district required by said section fifty-four to be reported for the school year ending on the day of the last annual school meeting. Directors of S. D. No. 8, Ransom, to make special report.

Sec. 2. On such report being made and received by the superintendent of public instruction, within the time required by the preceding section, it shall have the same force and effect as if the Effect of report.

same had been made in the usual manner, at the end of the last school year, and such district shall be entitled to receive its quota of school moneys to the same extent as though such report had not been omitted at the end of the last school year.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 24, 1849.

[No. 128.]

AN ACT to amend an act entitled "an act to authorize the sale of the Southern Railroad, and to incorporate the Michigan Southern Railroad Company."

Time of
payment of
instalments
of the pur-
chase price,
of Mich. S.
R. R. Co.
extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time mentioned in an act entitled "an act to authorize the sale of the southern railroad and to incorporate the Michigan southern railroad company," approved May 9th, 1846, for the payments of the several instalments of money owing and to become due the state by said company, be extended for the term of five years from the period when the said instalments severally become due: *Provided,* That nothing herein contained shall be construed to extend or postpone the payment of the interest semi-annually on the whole unpaid portion of the purchase price, which shall be estimated and paid at the rate of seven per cent. per annum: *And provided further,* That the net proceeds of said Michigan southern railroad shall be faithfully applied towards the construction of said road westerly by the village of Jonesville, in the county of Hillsdale, to Coldwater, in the county of Branch, and any balance over and above the net proceeds which may be required for the completion of said road to Coldwater, aforesaid, by the twenty-third day of December, eighteen hundred and fifty, and at least one half of the distance from Hillsdale in the county of Hillsdale, to Coldwater, aforesaid, within one year from the passage of this act, shall be provided by assessment or otherwise, so as to secure its completion, as aforesaid, within the periods above mentioned: *And provided further,* That said company shall construct, finish and put in operation the whole of said railroad from Coldwater to some eligible point on the St. Joseph river, in the county of

Conditions
of such ex-
tension.

St. Joseph, on or before the twenty-third day of December, eighteen hundred and fifty-seven, and at least one-seventh thereof, each year during said time, after the completion to Coldwater, as aforesaid.

Sec. 2. Before said company shall be entitled to the benefit of this act, they shall pay into the state treasury, in money or state indebtedness authorized by the act to which this is amendatory, the sum of nine thousand dollars, with interest to be computed at the rate of seven per cent., from the twenty-third day of December, eighteen hundred and forty-six, for a new locomotive and freight cars, which were put upon said road by the state after July, eighteen hundred and forty-six, and shall also obtain and file with the secretary of state the assent, in writing, to the provisions of this act, of all the obligors and sureties in a certain bond, prescribed in section two of the act to which this is amendatory, and heretofore executed to and now held by the state; or in case the assent as aforesaid, of all of said obligors and sureties cannot be obtained, such other further security as shall be equivalent thereto and satisfactory to the auditor general.

Company to pay amount due for engines, &c., and file assent of their sureties before this act shall take effect.

Sec. 3. The annual report required to be made by the directors of said company to the secretary of state, under the provisions of section thirty of the act hereby amended, shall apply to and include the portion of said road to be constructed west of Hillsdale, equally with the portion of said road between Monroe and Hillsdale, and the annual tax to the state, prescribed and required by section thirty-one of said act hereby amended, shall be paid upon five hundred thousand dollars of purchase money paid or to be paid to the state, and upon so much of the capital stock paid in, as shall be in excess of the said five hundred thousand dollars, and also upon all sums of money, whether arising from the net proceeds of said road or otherwise, as shall from time to time be invested in any new construction or stocking of said road, whether west or east of Hillsdale; and also upon all loans made to said company for the purpose of constructing said road, or purchasing, constructing, chartering or hiring of steamboats, authorized by this act, to be held by such company under the act hereby amended: and the tax so required to be paid at the times, in the manner, and at the rates specified in said section thirty-one as the same is hereby amended.

Annual report of said Co. to apply to new road.

Sec. 4. The provisions of an act to authorize the sale of the

Original
charter not
to be affect-
ed by this
act except
as specifical-
ly men-
tioned here-
in.

southern railroad, and to incorporate the Michigan southern railroad company," approved May 9, 1846, shall in all respects, and to the payments hereby extended as they severally become due, be applicable to the road so built and extended west of Hillsdale, and this act shall not be so construed as in any way to enlarge the rights and capacities, or change the liabilities and obligations of said company to the state, but that the original act authorizing the sale of the southern railroad, shall remain in full force and virtue in each and every particular therein stated (any thing herein mentioned and contained to the contrary notwithstanding,) except the mere extension of the time for the payment of the said several instalments as they shall hereafter become due, on the conditions herein specified: and excepting also the provisions herein contained, relative to that portion of the road herein mentioned, to be built and constructed westerly from Hillsdale, the increase of the rate of interest, and the forfeitures herein provided for.

Assent of
company to
be filed with
secretary of
state.

Sec. 5. The said Michigan southern railroad company, by their president and secretary, shall file their written assent to this act within sixty days after its approval, in the office of the secretary of state, and proceed with all practicable despatch in the construction of said road; and in case of the failure on the part of said company to finish and complete and put in running order the said road from the village of Hillsdale, in the county of Hillsdale, to Coldwater, in the county of Branch, by the said twenty-third day of December, in the year eighteen hundred and fifty, and from thence to some eligible point on the St. Joseph river, in the county of St. Joseph, in all respects as required in section one, then and in that case the whole of said Michigan southern railroad and all the rights, and privileges, immunities and franchises growing out of or granted by this amendatory act, and the act to which this is amendatory, shall become forfeited forever to and be vested in the state, together with all the appurtenances, including all machine shops, depots and other buildings, and stock upon the line of said road of whatever name, nature, kind or description, and all lands and estate, or interest in lands, and rights of way which the Michigan southern railroad company had, has or may have, or shall hereby and hereafter acquire, and the payment which may at the time of such forfeiture have been made to the state by said company.

Sec. 6. The said company shall immediately after the filing of their written assent to this act, and before any of the rights and privileges herein and hereby granted shall take effect, for all portions of the said road westerly from Hillsdale to Coldwater, first secure the lands or right of way, and for all portions of the road west of Coldwater as far as the same is, by this amendatory act, required to be constructed, finished and put in operation, and vest the same in the state of Michigan, by gift, purchase or assessment of damages, as provided in the said act to which this is amendatory; and the said rights of way, when so conveyed or obtained, together with the railroad constructed afterwards thereon, by the said company, with all the rights, privileges, immunities, franchises and appurtenances, and the stock thereon shall then and thereafter vest in and become the property of the state forever, and be incapable of being sold either on execution, or by virtue of any decree of any court, or mortgaged or hypothecated, or in any manner whatsoever incumbered until the indebtedness due or to become due the state from the said company, of principal and interest, is fully paid, ended and discharged, and in compliance with the true intent and meaning of the act to which this is amendatory, and with the provisions herein contained.

Sec. 7. This act shall take effect within sixty days from and after its passage: *Provided*, Said company shall within that time file its assent as aforesaid, and perform the conditions necessary to entitle said company to the benefits of this act as herein before prescribed.

Sec. 8. The legislature shall have a right, at any time after thirty years from the passage of the act to which this is amendatory, to alter, amend or repeal this act and the act to which this is amendatory, by a vote of two-thirds of each branch of the legislature: *Provided*, The said company shall be compensated by the state for all damages sustained by reason of such alteration, amendment or repeal.

The above act was returned to the Senate, in which the same originated, on the 13th day of March, 1849, without the approval of the Governor; was passed by the Senate, notwithstanding the objections of the Executive, by a vote of two-thirds of the Senators present, on the 15th day of March, 1849; was passed by the House of Representatives, by a vote of two-thirds of the Representatives

present, on the 24th day of March, 1849, and was filed in the office of the Secretary of State on the 26th day of March, 1849.

GEO. W. PECK, *Secretary of State.*

[No. 129.]

AN ACT to amend an act to incorporate the Dexter and Michigan Plank Road Company, approved April third, eighteen hundred and forty-eight.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the first section of an act entitled "an act to incorporate the Dexter and Michigan plank road company," approved April third, eighteen hundred and forty-eight, shall and is hereby amended; that the name and style of the said company shall hereafter be known only by the name and style of the Dexter and Lansing plank road company.

Ibid.

Sec. 2. The second section of the act hereby amended shall be and the same is hereby amended by substituting the word Lansing in the place of the word Michigan, in said section.

Ibid.

Sec. 3. The directors of the company shall have the right at any time to increase or diminish the amount of its capital by calling a meeting of the shareholders at the village of Dexter, in the county of Washtenaw, by publishing a notice in one of the papers printed in each of the counties of Washtenaw and Ingham, for at least six successive weeks, and by depositing a printed or written copy thereof in the post office at the said village of Dexter, addressed to each shareholder, at his or her usual place of residence, or deliver the same personally at least six weeks previous to the day appointed for such meeting, and which notice shall specify the time and place when and where the said meeting is to be held, the object of the meeting and the amount to which it is proposed to increase or diminish the capital of the company. A vote of at least two-thirds of all the shares in person or by proxy, shall be necessary to increase or diminish its capital stock, before any diminution of the capital shall take effect, and the said company shall file in the office of the secretary of state a certificate verified by the oaths of a majority of the directors of the company, that the amount of the debts and liabilities of the company, do not exceed the amount of the capital to which it is so proposed to be reduced.

Ibid.

Sec. 4. The time required by the fourth section of an act entitled "an act relative to plank roads," passed the thirteenth day of March, eighteen hundred and forty-eight, for the commissioners named in the act hereby amended, to proceed to estimate the length of the road and to cause the books to be opened for the subscription of the stock, shall be and the same is hereby extended for two years from the passage of the act hereby amended. Ibid.

Approved March 26, 1849.

[No. 130.]

AN ACT to amend an act entitled "An act to authorize the Governor to issue Patents in certain cases," approved April twenty-eight, one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the provisions of an act entitled "an act to authorize the governor to issue patents in certain cases," approved April 28th, 1846, shall be, and the same are hereby made applicable to all certificates of sale lawfully issued by the superintendent of public instruction, prior to the establishment of the state land office, and patents shall be issued therefor, and upon the assignments thereof, in the same manner, on the same condition, under the same restrictions, and with the like effect as in the several cases contemplated by the provisions of said act. Issue of patents in certain cases regulated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 131.]

AN ACT to amend an act, entitled an act for the improvement of the Bellevue and Waterloo state road, in the county of Eaton, approved March twenty-seventh, A. D. one thousand eight hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the special commissioner named in the the act entitled an act for the improvement of the Bellevue and Waterloo state road, in the county of Eaton, approved Act amended.

March 27, 1848, shall be entitled to receive as compensation for any services rendered in the discharge of any duties imposed on him by virtue of the above act, a sum not exceeding one dollar per day for the time employed by him in carrying out the provisions of said act, and his account verified by his oath, shall be paid out of any funds in the hands of the county treasurer, belonging to the Bellevue and Waterloo state road fund.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 132.]

AN ACT appropriating certain Highway Taxes for the improvement of a certain Road in the Counties of Barry and Eaton.

N. R. highway taxes appropriated on certain road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the non-resident lands within one mile on each side of the road, commencing seventy-three rods east of the north-west corner of section seventeen, in town three north of range eight west, and running thence north one hundred and sixty rods, thence east three hundred and twenty-seven rods, thence north to the township line, thence east on town line road to the north-west corner of section four, in town three north of range five west, to where the said town line road intersects the Lansing and Hastings road at Vermontville, in the county of Eaton, be, and the same is hereby appropriated for the improvement of such road, aforesaid, for the period of three years from the passage of this act: *Provided*, That when the lines running parallel to said road at the distance of one mile from such road, on either side thereof, shall intersect any legal sub-division of land as usually sold at the United States' land office, the non-resident highway taxes of all such sub-divisions, and such only, shall be appropriated for the purposes aforesaid, as have the greatest proportion lying between such parallel lines and the road aforesaid.

Statement to be made by supervisor.

Sec. 2. The supervisors of the several townships aforesaid, shall make statements of the lands included within the provisions of this act, in their several townships, and certify the same to the county treasurers of the counties of Barry and Eaton, aforesaid; which

statements and certificates shall be attached to the assessment rolls to be delivered to the several collectors of taxes of such township, and returned to the county treasurers with said rolls. And it shall be the duty of the county treasurer to pay over the moneys accruing on such non-resident lands, upon the order of the commissioners of highways, or a majority of them, of the said towns severally, which moneys shall be appropriated by such commissioner in constructing or repairing said road, according to the provisions of section twenty-one, of chapter twenty-four of the revised statutes of eighteen hundred and forty-six.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 133.]

AN ACT to amend an act entitled "an act to establish an Asylum for the Deaf and Dumb and Blind, and also an Asylum for the Insane of the State of Michigan."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That section eleven of an act entitled "an act to establish an asylum for the deaf and dumb and blind, and also an asylum for the insane of the state of Michigan," be so amended as to read as follows: "It shall be the duty of the commissioner of the state land office to make immediate selections of the lands appropriated by this act, and keep on file, in his office, a list of the same, which lands shall thereupon be under the control of the board of trustees, who shall have power to order the sale of the same or portions of the same, from time to time, under the supervision of the commissioner of the state land office, as they may deem proper and for the best interest of the state, and the proceeds of the same, when paid into the state treasury, shall be passed to the credit of a fund to be called the 'asylum fund.'"* Act amended.

Sec. 2. That section twelve of said act be so amended as to read: Ibid.
"the board of trustees shall appoint one of their number as acting commissioner, whose duty it shall be to take charge of, direct and superintend the erection of the necessary buildings, under the direction of the board of trustees, whenever the proceeds of said lands, paid in the state treasury, shall be deemed sufficient by the gov-

ernor and trustees for the erection of a suitable building for an asylum of the insane, shall be realized, or means derived for that purpose from other sources, by donation, bequest, or otherwise; and said board of trustees are hereby required to report annually to the governor of the state, on or before the first day of December, a full statement of their action in the premises, and a correct statement of the receipts and expenditures of the asylum fund, verified by the oath or affirmation of the commissioner of the board."

1614.

Sec. 3. That section one be so amended that the word "eight," in the fifth line, be stricken out, and the word "fifteen" be inserted.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 134.]

AN ACT to incorporate the Monroe and Belleville Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Dan B. Miller, James Armitage and Josiah Littlefield be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Belleville plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Monroe and Belleville plank road company, with corporate succession.

Route of road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from any point in the city of Monroe, in the county of Monroe, upon the most eligible route to Belleville, upon the Huron river, in the county of Wayne, or to such point upon the Huron river, east of said Belleville, as may be deemed most judicious by the company.

Capital and shares thereof.

Sec. 3. The capital stock of said company shall be thirty thousand dollars in one thousand two hundred shares of twenty-five dollars each.

General provisions.

Sec. 4. The said company shall be subjected to the provisions of

an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight.

Sec. 5. As soon as the said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession the old territorial road, so called, from the city of Monroe to the River Huron, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road the said company shall in no wise prevent or improperly obstruct the usual track thereon.

Company may take possession of certain road.

Sec. 6 This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of such company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Duration of charter—its amendment, repeal, &c.

Sec. 7. This act shall take effect from and after its passage.

Approved March 27, 1849.

[No. 135.]

AN ACT to incorporate the President, Directors and Company of the Peninsular Bank.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles Howard, William Brewster, Gardon Williams, Benjamin B. Kercheval, Henry P. Bridge, D. Bethune Duffield, James A. Armstrong and Henry H. Brown, and their associates and successors, be and the same are hereby constituted a body politic and corporate under the name of the president, directors and company of the Peninsular bank, for the purpose of exercising and transacting the business of banking, and said corporation shall have its office and place of business at the city of Detroit, in the state of Michigan, and shall continue for the period of twenty-five years from the passage of this act.

Incorporation.

Directors,
their powers
and duties.

Sec. 2. Said corporation shall have a board of directors, not less than five nor more than thirteen in number, one of whom shall be president of the bank, and may also have such other officers as the by-laws may provide for. The first board of directors shall be the said Charles Howard, William Brewster, Gurdon Williams, Henry P. Bridge, D. Bethune Duffield, James A. Armstrong and Henry H. Brown; and the said Charles Howard shall be the first president. Said board of directors shall have such power touching the management and conduct of said bank as shall be conferred on them by the by-laws of said corporation, consistent with the provisions of this act. Said board, as well as the president of the bank, shall be elected annually on the first Monday of June, in each year, by the stockholders of said bank, but in case of an omission to elect on said day, it shall be lawful to hold the election subsequently, on such other day as the by-laws may provide; and the officers for the previous year shall continue to discharge their duties until such subsequent election is held.

Annual election of
directors, &c

Capital and
share there-
of.

Sec. 3. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each; each share of stock shall be entitled to one vote, and stockholders not present may vote by proxy.

Powers of
Co., rate of
discount, &c

Sec. 4. Said corporation shall not directly or indirectly deal or trade in any thing except gold and silver, bills of exchange, or promissory notes, or except in the sale of such goods and chattels, rights in action, or other personalities as may be really and truly pledged or hypothecated to the bank in security for money loaned, and which shall not be legally redeemed in due time; and said corporation shall not take more than at the rate of seven per cent per annum discount upon its loans.

Issue of bills
of circulation,
&c.

Sec. 5. Said corporation may receive deposits, make loans, grant bills of exchange, issue its own notes payable on demand at its office in the lawful currency of the United States, and transact all other business incident and essential thereto: *Provided*, That it shall not be lawful for said corporation to issue any note of a less denomination than one dollar, nor any note which has not been duly countersigned and registered in the office of the state treasurer of this state, as hereinafter provided: *Provided further*, That said

bank shall not pay out or put in circulation the bills or notes of other banks, which are not at the time of such paying out at par in the city of Detroit.

Sec. 6. Said corporation shall deposit with the state treasurer of this state any stocks of the United State of America, the state of New York, or six per cent. stocks of the state of Michigan on which interest is paid, which said stocks shall be estimated at their market value in the city of New York, and for the amount of stocks so deposited, the state treasurer shall countersign and register an equal amount of the notes of said corporation, of such denomination, not less than one dollar, as said corporation may desire, and deliver the same to said corporation; and on such notes so delivered shall be written, printed or engraved the words, "countersigned and registered in the state treasurer's office, and secured by pledge of stock," with the signature of the state treasurer written beneath the same; and the state treasurer shall keep a register of all notes so countersigned and delivered, showing the number and denomination of each note and the date of the delivery of the same. To entitle the stockholders to the benefit of this act, there shall be deposited with the state treasurer, of the stocks aforesaid, fifty thousand dollars on or before the first day of October next, and the amount of stock so deposited shall not, any time after the first day of January next, be less than one hundred thousand dollars.

Bank shall deposit state stocks, &c., for security of bill holders.

Issue, countersigning & registry of notes by state treasurer.

Sec. 7. If said corporation shall at any time, or under any pretence, refuse on demand at its office, during the usual and regular banking hours, to pay any of its notes in the lawful currency of the United States of America, the holder of said note may make and file his affidavit of that fact with the state treasurer, who shall thereupon give public notice that the notes of said bank will be redeemed at his office, and that the said treasurer is authorized and required to sell at public auction or private sale, within twenty days, so much of any stock deposited with him as shall be necessary to redeem any notes of said bank, and apply the proceeds of said stock in the redemption of such notes: no stock shall be sold at private sale for less than the par value thereof, nor at less than the market value in the city of New York at the time of such sale, nor shall stock be sold on credit, and for any deficiency in the sale of said stocks, to pay the holders of its notes, the directors and stockholders

In case of failure to redeem notes, bill-holders to apply to state treasurer; his duty thereupon, &c.

shall be individually liable. The treasurer shall pay the full amount of notes or bills out of any money he may receive, whether from sale of stocks or other assets of said company, or from the receiver or receivers, and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of the stockholders upon their individual liability.

Real estate of company. Sec. 8. Said corporation may acquire and hold such real estate as may be necessary for its office or banking house, not exceeding in value twenty thousand dollars, but shall acquire and hold no other real estate, unless it shall acquire the same by bona fide mortgage as security for money loaned by said corporation, or by conveyance in payment and satisfaction in whole or in part of debts to said corporation previously contracted in the regular course of its dealings, or unless said corporation shall purchase the same under judgment or decrees, either rendered in favor of said corporation, or which have become its property in the course of the collection of its debts.

Dividends. Sec. 9. Semi-annual dividends shall be made of so much of the profits of the bank as the board of directors shall deem expedient, on the first Mondays of August and February respectively, in each year.

General provisions. Sec. 10. Said corporation shall be subject to all the provisions of chapter fifty-five, title ten of the revised statutes of A. D. 1846, so far as the same are applicable and not inconsistent with this act.

Counter-signing of bills. Sec. 11. The stocks deposited with the state treasurer for the security of the circulating notes by him counter-signed and delivered to said bank, shall be held by him exclusively for that purpose until such notes are redeemed, except as herein otherwise provided. The bills or notes so countersigned shall have stamped or printed on them the words "secured by the pledge of stocks," and shall be thus countersigned and delivered to the amount to which said bank has entitled itself, on the written order of the president or cashier. The bank shall be entitled to receive the interest or dividend on all stocks deposited, under the provisions of this act, unless they fail to redeem the circulating notes: *Provided, however.* That whenever the price of any of the stocks pledged for the secu-

Bank's to receive dividends on stock deposited, except in certain cases.

urity or redemption of the circulating notes of said bank, shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value at which such stock shall have been estimated when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal to the amount for which such stocks were deposited, or immediately give notice thereof to the president or cashier of said bank who shall forthwith return to said treasurer an amount of circulating notes so countersigned equal to the depreciation of said stocks.

Sec. 12. It shall be the duty of said treasurer to examine into the affairs and condition of said bank at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to examine the books, papers, and personal property of said bank, and to administer all necessary oaths to the directors, officers, clerks or agents of said bank, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general and secretary of state, or a majority of them should decide at any time that said bank was insolvent, either upon the examination of the treasurer or upon satisfactory evidence to them that said bank has refused to pay any of its circulating notes when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bonds and securities as they shall deem proper, who shall proceed to take possession of the books, records, and assets of every description of said bank, collect all debts, dues and other claims belonging to said bank, settle and compound for all bad and doubtful debts, sell all the real and personal property of said bank, prosecute the stockholders of said bank in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general and secretary of state, or a majority of them shall determine, which the state treasurer shall pay out of any money paid into his office by said receiver or receivers, and all other expenses shall be determined and paid in the same manner. The state treasurer shall cause notice to be given by advertisement in

Annual examination of bank by state treasurer.

In case of insolvency, receiver to be appointed &c.

Duties of receiver.

Proof of demands and duties of state treasurer in redemption of notes.

one daily paper published in the city of Detroit, and also in the state paper, for six consecutive months, calling on all persons who have claims against said bank, to make legal proof; and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said bank, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers, on all such claims as may have been proved, and from time to time, as the proceeds of the assets of said bank shall be paid over to him, the said treasurer shall make further dividends, as aforesaid, on all claims proved: and the remainder, if any thing, shall be paid over to the stockholders of said bank, or their legal representative, in proportion to the stock by them severally held.

Vacation of appointment of receiver, &c.

The auditor general, secretary of state and state treasurer, or a majority of them may, at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may reinstate said bank in the possession of any and all assets that may have been in possession or charge of said receiver or receivers: and any of the justices of the supreme court are hereby authorized summarily to make any order or issue any process which a court of chancery might make or issue to enable the said officers to carry out the provisions of this act. And said bank is hereby required on the demand of said treasurer to submit to full examination on the part of said treasurer, and any refusal to submit to said examination shall operate and be construed as a forfeiture of its charter.

State tax.

Sec. 13. The said bank shall pay the state treasurer on or before the second Monday of January 1850, and on or before the second Monday of January in each year thereafter, during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes, provided that the value of real estate, as assessed by the proper township officers or estimated by the state treasurer, which may be owned in fee by said bank, shall be deducted from said capital stock, for the purpose of taxation; and all real estate owned by said bank, shall be taxed as other property in the several townships, cities and villages where the same may be situated.

Sec. 14. No more than seven per cent. per annum, in advance, shall be taken for any loan or discount, under any pretence what-

ever, by said bank, and said bank shall not at any time issue or put in circulation any note, draft, bill of exchange, acceptance, certificates of deposits, or other evidence of debt of its own emission, which from its character or appearance shall be calculated or intended to circulate as money, other than such notes or bills of circulation as are countersigned, as by this act provided, and which said bank is expressly authorized to issue for the purpose of being circulated as money. All transfers of the notes, bonds, bills of exchange, and other evidence of debt owing to said bank or of deposits to its credit, all deeds of conveyance of real estate, all assignments of mortgages or other securities on real estate or of judgments or decrees in its favor, all sales, assignments, or other disposition of any personal property, or of any chose in action belonging to said bank, all deposits of money, bullion, or other valuable thing, for its use or for the use of any of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, shall be held utterly null and void.

Rate of discount, prohibition against issue of certain bills, &c.

Fraudulent assignments &c.

Sec. 15. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said bank, at least once in each year, as ascertained when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks, and redeeming the bills or notes as provided in this act, and of the registering and countersigning of the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said bank.

State treasurer to publish annual statement.

Sec. 16. The legislature may, at any time, alter, amend or repeal this act.

Approved March 28, 1849.

[No. 136.]

AN ACT to amend and consolidate the act to incorporate the Stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the several persons now,*

Mich. Insurance Co.

or hereafter stockholders of the Michigan Insurance company of Detroit, as organized under an act approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto, shall be and continue a body corporate and politic, in fact and in name, by the name of "the Michigan insurance company of Detroit," until the first Monday of June in the year eighteen hundred and sixty, and by their corporate name may sue and be sued in all courts, and in all manner of actions whatsoever, and have a common seal, and alter and change it at pleasure, and by their corporate name be capable of purchasing, holding and conveying any estate, real or personal, subject to the restrictions hereinafter mentioned.

Shares of
stock, direc-
tors & their
election, &c.

Sec. 2. A share in the stock of said company shall be thirty dollars, and the number of shares shall not be less than five thousand, nor more than ten thousand. The said company shall be managed by five directors, who shall be elected by the stockholders of said company, one of whom shall be president, who shall hold their offices for one year and until their successors are elected. The annual election shall be on the first Monday in June of each year, but in case of an omission it shall be lawful to hold the election subsequently on such other day as the by laws may provide, and the officers for the previous year shall continue to discharge their duties until such subsequent election is held. Each share of stock shall be entitled to one vote, and stockholders not present may vote by proxy.

Powers of
board of di-
rectors.

Sec. 3. The board of directors, or a majority of them, shall have power to make such rules and regulations not inconsistent with this act, as to them shall appear needful, touching the management of said company; to appoint such officers and clerks as may be necessary to carry on the business of said company, and to call a meeting of the stockholders.

Real estate
company.

Sec. 4. The lands which it shall be lawful for the said company to hold, shall be such only as shall be required for the transaction of its business, or such as shall have been bonafide mortgaged to the said company by way of security, or which may be conveyed to it in satisfaction of debts previously contracted, or purchased at sales upon judgments in its favor; and it shall not deal or trade in buying or selling of goods, wares or merchandise unless they have been received in payment of debts. And it shall be lawful for said

Michigan insurance company to issue bills or notes to be loaned or put in circulation as money, receive deposits, make discounts, and ^{Banking powers.} transact a legitimate banking business, on the conditions and subject to the restrictions contained in this act. The said Michigan insurance company shall not issue bills or notes or other evidence of debt, of a less denomination than one dollar, or except the same shall be payable on demand in gold or silver coin, at the office or banking house of said company, in the city of Detroit.

Sec. 5. The said Michigan insurance company shall preserve entire and at all times have actually paid in, the present capital of ^{Issue of bills.} sixty thousand dollars, and may issue and put in circulation as money, notes or bills, registered and countersigned as hereinafter provided, an amount not exceeding one hundred and twenty thousand dollars, and for all the bills or notes now issued or that may hereafter be issued by said Michigan insurance company, either ^{Liability of directors & stockholders} under its present charter or as by this section provided, upon refusal to pay the same by said Michigan insurance company, on demand at its office or banking house in business hours, or in case of insolvency, the directors and stockholders thereof, or any person who may have been a director or stockholder within two years previous to such refusal to pay, or insolvency, shall be jointly and severally liable in their individual capacities, and such directors and stockholders may be sued upon any such liability of said corporation, jointly or severally, and judgment may be recovered against them or either of them for all such sum or sums as they fail to pay on such demand, and any refusal of payment by said corporation of any such evidence of debt due by it, shall be presumptive evidence of insolvency. The bank note plates of said corporation ^{State treasurer to keep note plates of bank.} shall be kept in the custody of the state treasurer, and all bills or notes issued or re-issued or put in circulation as money, after thirty days from the passage of this act, by said corporation, shall first be registered and countersigned by said treasurer and have printed or stamped thereon the words "secured by individual liability;" and said corporation shall be entitled to have thus registered, counter- ^{Registry of notes.} signed and delivered, such an amount as it may be entitled to, but all of its issues or notes in circulation shall not at any one time exceed one hundred and twenty thousand dollars, or exceed twice the amount of that part of the above sixty thousand dollars, actually

paid in and preserved entire; unless the same shall be secured by pledge of stock as hereinafter provided.

Deposite of
state stocks
and issue of
notes there-
on.

Sec. 6. Said Michigan insurance company, shall deposit with the state treasurer, as hereinafter provided, stocks of the United States of America, of the state of New York or six per cent stocks of the state of Michigan, on which interest is paid; and for the amount of stocks so deposited the state treasurer, shall countersign and register an equal amount of the notes or bills of said company, of such denomination, not less than one dollar, as said company may desire, and on said bills or notes shall be printed or engraved the words "secured by pledge of public stocks" with the signature of the state treasurer written beneath the same. The state treasurer shall keep a registry of all notes countersigned and delivered to said company showing the number and denomination of each note and the date of delivery, also showing which are secured by pledge of stock and which by individual liability.

Registry of
such notes.

Description
of stock to be
deposited,
&c.

Sec. 7. Before the state treasurer shall deliver to said company any bills or notes for circulation based upon any increase of the capital stock of said company, paid in after this act shall take effect, the said company shall transfer to said treasurer in trust, public stocks of the United States, of the state of New York, or six per cent stocks of the state of Michigan, on which interest is paid, to the full amount of the bills or notes so delivered to said company, and new notes may at any time be exchanged for any mutilated notes returned by the bank to said treasurer, which stocks shall be estimated at their market value in the city of New York.

Proceedings
in case of
failure to re-
deem notes
& duties of
state treasur-
er on re-
deeming the
same.

Sec. 8. If the said company shall at any time, or under any pretence, refuse, on demand at its office, where the notes are payable, during the usual and regular banking hours, to pay its notes in the lawful currency of the United States of America, the holder of said notes may make and file his affidavit of that fact with the state treasurer, who shall thereupon give notice that the notes of said company will be redeemed at the office of the said treasurer; those bills or notes secured by the pledge of stocks as soon as said stocks can be sold, and all other notes or bills, as soon as the same can be, from the assets of the bank, or from the liability of the stockholders; the state treasurer is authorized and required to sell, at public or private sale, within twenty days, so much of any stocks

deposited with him, as shall be necessary to redeem any notes of said company, and apply the proceeds of said stocks, first in the redemption of such notes as were issued upon the pledge of stocks; no stock shall be sold at private sale for less than the par value thereof, nor for less than the market value in the city of New York, at the time of each sale, nor shall stock be sold on credit; and for any deficiency in the sale of said stocks to pay the holders of its notes, whether the same are secured by pledge of stock or otherwise, the directors and stockholders shall be individually liable. The treasurer shall first pay the full amount of notes or bills, out of any money he may receive, whether from sale of stocks, from the assets of said company or from the receiver or receivers; and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of any stockholder or stockholders upon their individual liability.

Sec. 9. The stocks deposited with the state treasurer, for the security of the circulating notes by him countersigned and delivered to said company, shall be held by him exclusively for that purpose, until such notes are redeemed, except as herein otherwise provided. The bills or notes so secured shall be thus countersigned and delivered to the amount to which said company has entitled itself, on the written order of the president or cashier. The said company shall be entitled to receive the interest, or dividend, on all stocks deposited under the provisions of this act, unless they fail to redeem their circulating notes as provided in this act: *Provided however*, That whenever the price of any of the stocks pledged for the security or redemption of the circulating notes of said company shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value at which such stocks were estimated, when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received, when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal to the amount for which such stocks were deposited; or immediately give notice thereof to the president or cashier of said company, who shall forthwith return to said treasurer an amount of circulating notes, so countersigned, equal to the depreciation of said stock.

Amount of bills to be issued by treasurer.

Company shall be entitled to receive the dividends on stocks deposited, except in certain cases.

Annual examination of bank by the treasurer.

In case of insolvency, a receiver to be appointed; his duties, &c.

Proof of demands.

Duties of state treasurer in redemption of notes.

Sec. 10. It shall be the duty of said treasurer to examine into the affairs and condition of said company at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to examine the books, papers, and personal property of said company, to administer all necessary oaths to the directors, officers, clerks or agents of said company, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general, and secretary of state, or a majority of them, should decide at any time that said company was insolvent, either upon the examination of the treasurer, or upon satisfactory evidence to them that said company has refused to pay any of its circulating notes, when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bond and securities as they shall deem proper; who shall proceed to take possession of the books, records, and assets of every description of said company, collect all debts, dues, and other claims belonging to said company, settle and compound for all bad and doubtful debts, sell all the real and personal property of said company, prosecute the stockholders of said company in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general, and secretary of state or a majority of them, shall determine; which the state treasurer shall pay out of any money paid into his office by said receiver or receivers; and all other expenses shall be determined and paid in the same manner. The state treasurer shall cause notice to be given by advertisement, in one daily paper published in the city of Detroit, and also in the state paper, for six consecutive months, calling on all persons who have claims against said company, to make legal proof, and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said company, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers, on all such claims as may have been proved; and from time to time, as the proceeds of the assets of said company shall be paid over to him, the said treasurer shall make further dividends as aforesaid on all claims proved; and the remainder, if anything, shall be paid over to the stockholders of said company, or their legal representatives, in proportion to the stock by them severally held. The auditor gener-

al, secretary of state, and state treasurer, or a majority of them may at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may reinstate said company in the possession of any and all assets, that may have been in possession or charge of said receiver or receivers; and any of the justices of the supreme court are hereby authorized summarily to make any order, or issue any process, which a court of chancery might make or issue, to enable the said officers to carry out the provisions of this act; and said company is hereby required, on demand of the state treasurer, to submit to a full examination on the part of said treasurer, and any refusal to submit to such examination shall operate and be construed as a forfeiture of its charter.

Sec. 11. The said company shall pay the state treasurer on or State tax. before the second Monday of January, eighteen hundred and fifty, and on or before the second Monday in each year thereafter during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes, provided that the value of real estate, as assessed by the proper township officers or estimated by the state treasurer which may be owned in fee by said company shall be deducted from said capital stock, for the purpose of taxation, and all real estate owned by said company shall be taxed as other property in the several townships, cities and villages, where the same may be situated.

Sec. 12. No more than seven per cent. per annum, in advance, shall be taken for any loan or discount, under any pretence whatever, by Rate of discount. said company, nor shall said company pay out or put in circulation any bills or notes of other banks which are not at the time of such paying out at par in the city of Detroit, and shall not at any time after the passage of this act, issue or put in circulation any note, draft, Restriction on issue of notes of other banks. bill of exchange, acceptance, certificates of deposit or other evidence of debt of its own emission, which from its character or appearance shall be calculated or intended to circulate as money, other than such notes or bills of circulation as are countersigned and registered as by this act provided, and which said bank are expressly authorized to issue for the purpose of being circulated as money. Fraudulent assignments &c. All transfers of the notes, bonds, bills of exchange or other evidence of debt owing to said company, or of deposits to its credit; all deeds of conveyance of real estate, all assignments of mort-

gages or other securities on real estate or of judgments or decrees in its favor; all sales, assignments, or other disposition of personal property or of any chose in action belonging to said company; all deposits of money, bullion, or other valuable thing, for its use or for the use of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, shall be utterly null and void.

Publication
of annual
statement.

Sec. 13. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said company at least once in each year, as ascertained when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks, redeeming of the bills or notes as provided in this act and of the registering and countersigning the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said company.

When stock
shall be de-
posited.

Sec. 14. To entitle the stockholders to the benefits of this act there shall be deposited with the state treasurer fifty thousand dollars in said state stocks, or in United States stocks, on or before the first day of October next, and the said company shall not use or pay out or encumber the amount of capital, means or assets now existing, in the purchase of any stocks which they may deposit with the state treasurer, and the amount of stocks so deposited shall not at any time after the first day of October, eighteen hundred and fifty, be less than one hundred thousand dollars.

Repeal of
former acts.

Sec. 15. The act entitled "an act to incorporate the stockholders of the Michigan insurance company of Detroit," approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto, are hereby repealed: *Provided*, That said repeal shall in no wise release or discharge the present stockholders of said company from the liability to redeem all bills, notes, and evidences of debt against said corporation, existing at the time the stockholders avail themselves of the provisions of this act.

Assent of
company to
be filed.

Sec. 16. This act shall take effect within thirty days from and after its passage: *Provided*, The said company, under its corporate seal and the hand of its president and secretary, shall within that

time file its assent in writing to the provisions of this act, in the office of the secretary of state.

Sec. 17. The legislature may at any time, alter, amend or repeal this act.

Approved March 28, 1849.

[No. 137.]

AN ACT to authorize proceedings against Garnishees and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in any action commenced before a justice of the peace, founded upon contract, express or implied, or upon judgment or decree, or after the rendition of judgment in any case, if the plaintiff, his agent or attorney shall make and file with such justice an affidavit, stating that he has good reason to believe, and does believe that any person (naming him) has property, money or effects in his hands or under his control, belonging to the defendant in such suit, judgment or decree, or that such person is indebted to such defendant, the justice shall issue a summons against such person requiring him to appear before such justice at a time and place mentioned in said summons, not less than six nor more than twelve days from the date thereof, and answer under oath, all questions put to him touching his indebtedness to such defendant, and the property, money and effects of the defendant in his possession, within his knowledge, or under his control; which summons shall be served and returned in the same manner as a summons issued against a defendant in other cases. The garnishee shall be entitled to the same fees as he would be, if he were subpoenaed as a witness in such cause.

In what cases garnishee process may issue.

Service of such process and fees of garnishee.

Sec. 2. The person summoned as garnishee, from the time of the service of such summons, shall be deemed liable to the plaintiff in such suit, to the amount of the property, money and effects in his hands or possession, or under his control, or due from him, to the defendant in such suit: *Provided*, That when the defendant is a householder having a family, nothing herein contained shall be applicable to any indebtedness of such garnishee to the defendant for the personal labor of such defendant, or his family, for any amount not exceeding the sum of twenty-five dollars.

Liability of garnishee.

When warrant may issue against garnishee.

Sec. 3. If such garnishee neglect or refuse to appear at the time and place mentioned in such summons, and answer as aforesaid, the justice shall continue the cause to some other day; and without further showing than the officer's return, that the summons had been personally served upon the garnishee and his fees paid or tendered, issue a warrant to bring such garnishee before him.

Form of warrant and service thereof.

Sec. 4. Such warrant shall command the officer forthwith to take the body of such garnishee and bring him before such justice, and shall contain a further command that such officer after he shall have arrested the garnishee, notify the plaintiff of such arrest; and such warrant shall be served and returned in the same manner as warrants issued in other cases.

Service of summons, the commencement of suit.

Sec. 5. The personal service of a summons upon such garnishee shall be deemed the commencement of suit in the name of the plaintiff against such garnishee, which may be entered on the docket as suits in other cases.

Proceedings on examination.

Sec. 6. On the appearance of such garnishee before such justice, or on some other day to which the same may be adjourned, the plaintiff may proceed to examine the garnishee on oath or otherwise, as the plaintiff may elect, touching the matters alleged in the affidavit, and the justice shall take minutes of such examination and file the same with the other papers in the cause.

Continuance of proceedings.

Sec. 7. Upon closing the examination, if a suit be pending and undetermined between the plaintiff and defendant, the cause shall be continued but it shall not be necessary to adjourn the same to any day certain.

Summons in such cases, to show cause, &c.

Sec. 8. After the final determination of the suit against the defendant in the case mentioned in the preceding section, the justice shall at the request of the plaintiff, his agent or attorney, issue a summons against the garnishee commanding him to appear before the justice, to show cause why a judgment should not be rendered against him.

How served.

Sec. 9 Such summons shall be made returnable not less than three nor more than ten days from the date thereof, and shall be served at least two days before the time of appearance mentioned therein.

Declaration vs. garnishee.

Sec. 10. In all cases where a judgment has been rendered against the defendant, and also after a final determination of the suit pending against the defendant, as mentioned in section seven of

this act, and the garnishee has been duly summoned to appear and show cause, the plaintiff may declare against the garnishee for the property, moneys and effects above mentioned, in trover; or if the garnishee be indebted to the defendant for moneys had and received, or if the garnishee shall have property, moneys and effects of the defendant in his possession, and shall also be indebted to the defendant, the plaintiff may declare in trover, and add thereto a count for moneys had and received, and may give the special matter in evidence; and the garnishee may plead thereto, and issue may be formed and tried as if the defendant had brought such suit against the garnishee for the matters set forth in such declaration and either party shall be entitled to an appeal or other process as in other cases.

Sec. 11. If the plaintiff fail to recover judgment against the defendant in the cases mentioned in section seven of this act, or if the defendant pay the judgment rendered in such case, or stay the execution thereon within the time, and in the manner prescribed by law, it shall in either case be deemed a discontinuance of all proceedings against the garnishee.

What deemed discontinuance vs. garnishee.

Sec. 12. If judgment be rendered against the garnishee, the justice may issue execution thereon as in other cases.

Execution vs. garnishee.

Sec. 13. Judgments against garnishees may be stayed in the same manner and with the like effect as in other cases.

Judgments may be stayed.

Sec. 14. If the garnishee shall, on demand, deliver to the officer having such execution, all the property, money and effects in his possession or under his control, belonging to the defendant, and pay all moneys found to be due from him to the defendant at the time the suit was commenced against him, or so much of the money, property or effects as may be necessary to satisfy such execution, then the costs which may have accrued against such garnishee shall be paid out of the property, moneys and effects so paid over or delivered to such officer.

When costs against garnishee may be paid out of the effects and in his hands.

Sec. 15. The officer having such execution shall endorse all moneys received from such garnishee, and a description of all property or effects delivered to him by the garnishee; and such delivery or payment shall be deemed a delivery or payment to the defendant in such suit.

Duties of officer as to endorsement of execution.

Sec. 16. Upon the return of such execution so endorsed, the same shall be entered on the docket of the justice as fully as such

Return of execution.

return appears upon such execution, and such entry or a transcript thereof shall be prima facie evidence of the facts therein stated.

Levy and sale of property delivered up by garnishee on execution, proceedings thereafter.

Sec. 17. Whenever the garnishee shall pay or deliver to the officer having such execution any property which may be sold on an execution by existing laws, the officer shall proceed to levy upon and sell the same at public auction or vendue as in other cases, and if the garnishee shall deliver to such officer any notes, bills, bonds or other choses in action, the officer shall return the same to the justice to be retained in his hands for the use of the plaintiff, and the plaintiff may sue and collect the same, or so much thereof as may be necessary to pay the judgment against the defendant and the costs. The balance, if any, shall be returned to the garnishee or the defendant. All bills, bonds, notes, accounts and other choses in action received or delivered under the provisions of this section, shall be taken subject to all liens, set-offs, rights, liabilities and equities existing between the original parties thereto.

Bank notes to be treated as cash; at option of plaintiff.

Sec. 18. If the garnishee pay to the officer having such execution, any bank note or bill, the same shall be paid over to the plaintiff at the par value thereof, if he will accept the same; if not it shall be sold in the same manner as other personal property.

Effect of judgment vs garnishee.

Sec. 19. Judgments rendered against a garnishee under the provisions of this act, shall have the same force and effect as they would have under existing laws, if such defendant had been named as plaintiff therein.

Defendant in original suit barred from action against garnishee during pendency of garnishee proceedings.

Sec. 20. No suit shall be maintained or recovery had by such defendant against the garnishee for the amount of money sworn, proved or admitted to be due from such garnishee to the defendant, or for the property, or the value thereof, money or effects in the hands of such garnishee as aforesaid, while such proceeding is pending.

Exception to a bar.

Sec. 21. The preceding section shall not be so construed as to prevent such defendant from prosecuting for and recovering of such garnishee any other or further sum of money due from such garnishee, or the possession, or value of any other property or effects in the hands of such garnishee, belonging to such defendant.

Bills of exchange and notes declared effects.

Sec. 22. Bills of exchange and promissory notes not due, in the hands of the garnishee at the time of the service of the summons shall be deemed "effects" under the provisions of this act.

Sec. 23. If it shall appear upon any examination or trial had under the provisions of this act that any sum or sums of money is or are owing and payable from the garnishee to the defendant at some future time or times, it shall be the duty of such court, after such examination or the rendition of the verdict (if a trial by jury is had) and after the trial, (if the cause is tried by the court,) to note the time or times when the sum or sums of money mentioned in this section shall become due and payable, and shall thereupon continue the cause until after the time or times so noted.

Proceeding is when money is to become due from garnishee at a future time.

Sec. 24. After the said sum or sums of money become due and payable as mentioned in the preceding section, the justice or court shall, at the request of the plaintiff, issue a summons against the garnishee as mentioned in section eight of this act, returnable in the same time, and the same proceedings shall be had thereon, and with the like effect as if the said sum or sums of money had been due and payable at the time of the service of the summons.

Summons in such cases.

Sec. 25. Proceedings may be had in the county courts against garnishees in the cases specified in the first section of this act, and the provisions herein contained shall apply to and govern the proceedings in the county courts so far as they are not inconsistent with the pleadings, practice and proceedings in said county courts.

Proceedings in Co courts

Sec. 26. Corporations may be proceeded against as garnishees in the same manner and with the like effect as individuals, under the provisions of this act, and the rules of law regulating proceedings against corporations.

Corporation subject to garnishee process.

Sec. 27. Section thirty-six of chapter ninety-three of the revised statutes of eighteen hundred and forty-six is hereby repealed.

Sec 36, chap 93, R. S. repealed.

Approved, March 28, 1849.

[No. 138.]

AN ACT to establish a State Normal School.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a state normal school be established, the exclusive purposes of which shall be the instruction of persons both male and female in the art of teaching, and in all the various branches that pertain to a good common school education; also, to give instructions in the mechanic arts, and in the arts of husbandry and agricultural chemistry, in the fundamen-

Normal School.

tal laws of the United States, and in what regards the rights and duties of citizens.

Board of education.

Sec. 2. The said normal school shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

Appointment of the board.

Sec. 3. There shall be appointed by the governor, by and with the advice and consent of the senate, a board of education consisting of three persons, one of whom shall hold his office for three years, another for two years and the other for one year. The governor shall designate which person is to hold his office for one year, which for two years, and which for three years. At each session of the legislature the vacancy occurring shall be filled as above directed. The governor shall fill any vacancy that may occur when the legislature is not in session. The lieutenant governor and the superintendent of public instruction shall, by virtue of their office, be members of said board, and the latter shall be their secretary, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the legislature as are required by this act.

President of the board, his duty in establishing the school.

Sec. 4. The board of education shall annually elect one of their number president, who shall be empowered to visit the various villages and places of importance in the state, and obtain donations and receive propositions for the establishment of said normal school.

Instructors to be appointed by the board, their power of board.

Sec. 5. Said board of education shall appoint a principal and an assistant to take charge of said school. They shall also appoint such other teachers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall prescribe the various text books to be used in said institution, and shall make all the regulations and by-laws necessary for the good government and management of said school.

Ibid.

Sec. 6. Said board of education shall procure a site, and erect buildings thereon suitable for said institution in or near some village in this state, where it can most conveniently be done, and where, in their judgment, it will most subserve the best interests of the state.

Model school.

Sec. 7. They shall also establish a model school in connection with a normal school, and shall make all the regulations necessary to govern and support the same.

Sec. 8 As soon as said institution is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each county clerk in the state, and shall publish said notice in the state paper. Notice of opening of the school.

Sec. 9. The normal school board shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination under the direction of the board, and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. Rules relative to the admission of pupils.

Sec. 10. Any person may be admitted a pupil of said school who shall pass a satisfactory examination: *Provided*, That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in this state; *And provided further*, That pupils may be admitted without signing such declaration of intention, on such terms as the normal school board may prescribe; and that each county shall be entitled to send pupils in the ratio of the representatives to which it may be entitled, not to exceed three times the number of representatives. Applicants for admission to sign declaration of intention to become teachers.

Sec. 11. When the said school shall have commenced a term, it shall be visited by one of the appointed members of the board of education. Visits to said school shall be monthly; each appointed member making a visit once in three months. When a member makes a visit as aforesaid, he shall examine thoroughly into the affairs of the school, and report to the governor and superintendent of public instruction, his views with regard to its success and usefulness, and any other matters he may judge expedient. Visitation of school by board.

Sec. 12 The said board of education shall annually make to the legislature, a full and detailed report of their doings, and of all their expenditures, both in cash and land warrants, and the moneys received for tuition, and their opinion with regard to the prospects, progress and usefulness of said school. Annual report of board.

Sec. 13. Those pupils who are admitted to the said school as provided by the ninth section of this act, shall not be charged for tuition or for the use of any apparatus, or for attendance on any lectures for one year. Lectures on chemistry, comparative anatomy, astronomy, the mechanic arts, agricultural chemistry, and on any other science, or any branch of literature that the board of education may direct, shall be delivered to those attending said school by Certain pupils not chargeable with tuition fees.

Lectures. the professors of the university: *Provided*, The regents shall give their consent thereto.

Final examination of pupils and certificate of course of study. Sec. 14. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, and if it shall appear that said person has received the proper training, and possesses the learning and other qualifications necessary to teach a good common school, said person shall receive the proper certificate from the principal, and board of education, certified by the superintendent of public instruction.

Appropriation of land for support of school. Sec. 15. For the purpose of defraying the expenses of the erection and completion of the buildings proposed by the sixth section of this act, and for the purchase of the necessary apparatus and books for the said institution, and for various other incidental expenses of said school, there is hereby appropriated ten sections of the salt spring lands. The auditor general shall, on the presentation of the certificate of the president of the board of education, countersigned by the governor, draw his warrant on the commissioner of the state land office, not bearing interest, and payable only in salt spring lands, to the holder of such certificate, for the amount therein specified, said lands to be those located as the normal school building lands.

Endowment fund. Sec. 16. For the purpose of paying the principal of said normal school and his assistants, the board of education, immediately after their appointment, shall locate fifteen sections of the salt spring lands, and the same shall be denominated "the normal school endowment fund," and shall never be appropriated for any other purpose. They shall also locate the ten sections required by section fifteen, and the same shall be denominated the normal school building fund. **Building fund.** The said board of education shall give due notice to the commissioner of the state land office, that they have located the lands required by this act, and shall file in his office a proper description of said lands.

Power of board. Sec. 17. The normal school endowment fund shall be under the control of the board of education, and shall be disposed of according to the provisions of this act. The state treasurer shall be treasurer of said board: and all orders or drafts for monies or other funds shall be signed by the president of said board, and be countersigned by the governor.

Pay of instructors. Sec. 18. The principal and other teachers employed, shall be paid for their services out of the normal school endowment fund,

and from monies received for tuition. The board of education shall be paid for their services, two dollars per day, with warrants drawn on the salt spring lands.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 139.]

AN ACT to amend an act entitled an act to extend the time for the collection of taxes in the township of Bellevue in the county of Eaton, approved January 16, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled an act to extend the time for the collection of taxes in the township of Bellevue in the county of Eaton, approved January 16, 1849, be and the same is hereby amended by striking out the words "fifteenth day of March," and inserting the words "sixth day of April." Act amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 140.]

AN ACT to authorize the re-location of the Northern Wagon Road between the villages of Flint and Corunna.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lewis S. Tyler, Albert Miller and Henry Hunt, be and they are hereby appointed surveyors Surveyors to re-locate northern wagon road. for the purpose of surveying the route or routes, and with power to re-locate, upon the most eligible ground, the northern wagon road from the village of Flint, in the county of Genesee, to the village of Corunna, in the county of Shiawassee. And the said surveyors shall be required to cause the survey of so much of such road as lies within the county of Genesee, to be recorded by the register of deeds of said county in the miscellaneous record; and so much of said road as lies within the county of Shiawassee to be recorded by the register of deeds of said county in like manner, and when so

recorded, the said road shall be known as the northern wagon road.

Compensation of surveyors.

Sec. 2. That said surveyors shall receive for their services a sum not exceeding two dollars per day for the time actually and necessarily employed in the discharge of the duties devolved upon them by the provisions of this act, payable in internal improvement lands belonging to this state, appropriated by act number two hundred and eighty-five of the session laws of eighteen hundred and forty-eight, at ten shillings per acre, and shall render their accounts for services to the special commissioner having charge of said road, verified by their oaths; and the said special commissioner shall draw his order upon the auditor general in favor of said surveyors, for the proper amount, upon which the auditor general shall issue a land warrant for the same, which shall be receivable at the state land office in payment of lands appropriated by act number two hundred and eighty-five of the session laws of eighteen hundred and forty-eight only; and the said special commissioner having charge of the appropriation, number two hundred and eighty-five, approved April third, eighteen hundred and forty-eight, is hereby authorized to expend five hundred acres of land from and out of the appropriation so made in said act, in the opening and improving the state road between the villages of Flint and Lansing, and on that portion of the road lying between the village of Shiawassee and the Miller settlement, and the said special commissioner is hereby authorized to make a selection of the lands appropriated by said act number two hundred and eighty-five and report the same to the commissioner of the state land office, who shall thereupon reserve the same from sale, issuing no certificate for any parcel thereof, except upon the order of said special commissioner. And the said special commissioner is hereby authorized to receive contributions from individuals and subscriptions promising to contribute when called upon for the purpose of said improvement, which said subscriptions the said commissioner is hereby authorized to collect and appropriate in making the improvements contemplated by act number two hundred and eighty-five, approved April third, eighteen hundred and forty-eight, and in case any person shall refuse or neglect to pay his subscription on the order of said special commissioner, said commissioner is hereby authorized to sue for and collect the same in any court having cognizance thereof.

Duties of special commissioner, under act No. 285 of 1848.

Sec. 3. Upon the completion of any job let in pursuance of this act, or of act number two hundred and eighty-five of the laws of eighteen hundred and forty-eight, in payment of the amount stipulated in the contract therefor, and also in payment for any labor performed or materials purchased by said commissioner for the purposes contemplated in said act, said commissioner may draw his orders upon the auditor general for warrants payable in internal improvement lands, reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands not before sold: *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land appropriated by act number two hundred and eighty-five of the laws of eighteen hundred and forty-eight, at one dollar and twenty-five cents per acre.

Sec. 4. Sections three and four of act number two hundred and eighty-five of the laws of eighteen hundred and forty-eight, are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 141.]

AN ACT to incorporate the Saginaw Bay Gypsum Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William L. P. Little, James Fraiser, William McDonald and Russel Bishop, and others who shall become associated with them, are hereby constituted a body corporate, by the name of "the Saginaw bay gypsum company," for the purpose of making plaster, and business connected therewith, in the state of Michigan.

Sec. 2. The said company shall have corporate succession, and its capital stock shall not exceed ten thousand dollars, divided into shares of twenty-five dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan, as the business of said company may require, to an amount not exceeding the above named capital stock of said company.

Officers.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That a majority of the said directors shall at all times be citizens and residents of the state of Michigan, upon whom service of all process against said company may be made, and such service shall be deemed a valid service on the said Saginaw bay gypsum company.

State tax & annual report of Co.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan, an annual tax at the rate of one per cent, on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be estimated upon the last preceding report of said company, and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days thereafter, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; and said tax shall be in lieu of all state taxes upon all the personal property of said company, and in lieu of all state tax upon the real estate of said company; and any investment of any portion of the net profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the state treasurer accordingly.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting, and all subsequent meetings of the stockholders and directors shall be held at such times and places as they by their by-laws may direct.

General provisions.

Sec. 6. Said company shall be subject to the provisions of chap-

ter fifty-five, title ten, of the revised statutes of eighteen hundred and forty-six, so far as the same are applicable, and not inconsistent with the provisions of this act.

Sec. 7. The inhabitants of this state shall have a lien upon the stock, appurtenances, and entire stock of said company for all claims and demands not exceeding one hundred dollars each, against said company, originally contracted or increased within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. Lien of inhabitants, how enforced, &c.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state, a certificate specifying the place of such location. Business office.

Sec. 9. This act shall take effect from and after its passage, and shall continue for thirty years from such passage; but the legislature of the state may at any time alter, amend or repeal this act for any violation of the provisions of this charter: *Provided*, That nothing herein contained be construed to authorize said company to use or exercise any banking power, or banking privileges whatever. Duration of charter—its amendment, repeal, &c.

Approved March 28, 1849.

[No. 142.]

AN ACT to incorporate the Trustees of Mountain Home Cemetery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isant Moffat, jr., Luther H. Trask, Jeremiah P. Woodbury, Alexander Buel, Horace Starkweather, Nathaniel A. Balch, Epaphro Ransom, David B. Webster and Mitchel Hinsdell, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of Mountain Home Cemetery," and by that name to have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all suits, complaints, matters and causes whatsoever in any court of law or equity, in this state; and to have a common seal, and to make all such by-laws, rules and Incorporation.

regulations (not repugnant or contrary to the law of the land) as they may deem necessary relative to said cemetery, and the good government and management thereof.

Officers. Sec. 2. The said trustees shall elect one of their own number as president, another as secretary, and another as treasurer; that in case of the death, resignation, or removal of any of the trustees from the county of Kalamazoo, the other members shall elect a suitable person to supply every such vacancy; and vacancies happening in any of said offices, from any of said causes, shall be filled in the same manner; that said trustees may from time to time appoint a superintendent and such other officers or agents as they may deem necessary.

Powers and duties of corporation

Sec. 3. The said corporation may purchase and hold such real estate as may be deemed expedient for the purposes of laying out and establishing a rural cemetery, to be reserved as a place of interment, in the vicinity of the village of Kalamazoo, and to make additions to said real estate from time to time as may become necessary, either by purchase, gift, grant or otherwise; but all such estate, whether by original or subsequent purchase, shall be reserved for no other purpose than for a cemetery, and such fixtures as shall be necessary to belong to it. And such real estate then purchased shall never be sold or converted to any other use forever hereafter, than the one expressed in this section; that the plat of said cemetery, to be adopted by the said trustees, or avenues, roads, walks or ground laid off and reserved for shrubbery or other ornamental purposes, shall never be subject to be changed or altered. And all monies to be realized from the sale of lots after paying the original purchase price of said land, shall be appropriated at the discretion of the corporation to the improvement of said cemetery; or a portion of said avails to be set apart as a permanent fund. And the interest of which to be hereafter and forever annually expended in keeping the said cemetery in repair and good order.

Id.

Sec. 4. The said corporation shall cause a plat of said ground embracing all roads, alleys, lots, &c., to be put on record or on file in the office of the register of deeds for the county of Kalamazoo, and that the title to lots in said cemetery may be passed to individuals by a certificate to be signed by the president and countersigned by the secretary, under the corporate seal, but always sub-

ject to the by-laws, rules and regulations which may be adopted by the trustees. And said certificates shall be recorded by the secretary of the corporation in a book to be kept for that purpose.

Sec. 5. All lands now held or which may hereafter be acquired by said corporation for the purposes aforesaid, shall be forever exempted from all public taxes and assessments, and from all liability to be sold on execution or for the payment of debts by assignment under any insolvent law. The said corporation may hold in trust any donation or bequest of property, and may apply the same or the income thereof in the improvement or embellishment of the cemetery, or for the erection, repair, preservation or removal of any receiving tomb, monument, or fence, or for the planting or cultivation of trees, shrubs, flowers, plants, in and around any cemetery lot, or for the improvement of said premises in any other form or manner conformable to the terms of said grant or bequest. Property exempt from taxes.

Sec. 6. If any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb or other thing intended for the protection or for the ornament of any receiving tomb, monument, gravestone, or other structure before mentioned, or of any enclosure for the burial of the dead; or shall wilfully destroy, mutilate, remove, cut, break or injure any tree, shrub or plant, placed or being within or around any such enclosure; the person so offending shall be punished by fine not exceeding five hundred dollars, nor less than ten dollars, or by imprisonment in the county jail not more than one year. Trespasses & penalties thereof.

Sec. 7. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of chapter fifty-five of the revised statutes, as far as it is in accordance with the provisions of this act.

Approved March 28, 1849.

[No. 143.]

AN ACT to amend an act entitled "an act to incorporate the Detroit and Saline Plank Road Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled "an act to incorporate the Detroit and Saline plank road com- Act amended.

pany," approved March twenty-third, eighteen hundred and forty-eight, be amended by adding to section two of said act the following: "As soon as said company shall be duly organized the board of directors thereof are hereby authorized to enter upon, take possession of so much of the Chicago turnpike, so called, as lies between the city of Detroit and the village of Saline, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon; *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in said Chicago turnpike, than the state as such possesses," so that said section as amended shall read as follows:

"Sec. 2 Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings from the city of Detroit, in the county of Wayne, to the village of Saline, in the county of Washtenaw, by the way of Ypsilanti, with the privilege of constructing a branch from the village of Wayne, to the village of Schwarzburg, in the county of Wayne, and also from the village of Ypsilanti to Ann Arbor, in the county of Washtenaw. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon, take possession of so much of the Chicago turnpike, so called, as lies between the city of Detroit and the village of Saline, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon: *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in said Chicago turnpike, than the state as such possesses."

Sec. 2. The said company shall cease to be a body corporate, if, within three years from and after the passage of this act, it shall not have commenced the construction of the road, and actually expended thereon at least ten per cent. of the capital stock of said company.

Approved March 28, 1849.

[No. 144.]

AN ACT to authorize the minor heirs of the late Jesse Tuttle, deceased, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the minor heirs of the late Jesse Tuttle, deceased, of the village of Walled Lake, county of Oakland, and state of Michigan, to wit: Ann Tuttle, George Tuttle, Jane Tuttle and Joseph Tuttle, be and they are hereby authorized to execute good and sufficient deed or deeds of conveyance, to any person or persons, of all, or any part of the lands by them owned, situated in said village of Walled Lake. And any such deed or deeds hereby authorized to be executed by said heirs, when properly made, acknowledged and recorded, shall be as effectual, valid and binding as if the said minor heirs were, at the time of the execution thereof, of full legal age: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Oakland, shall, under his hand and seal of office, certify on such deed his approval of the sale and conveyance of such land.

Minors authorized to convey, with approval of probate judge.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 145.]

AN ACT to vacate a portion of the map or plat of the town of Lyons, in the county of Ionia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of east Water street as lies north of the north line of south Bridge street, and west of the west line of Prairie street, and so much of a certain street as lies west and north of block seventy-five according to the recorded map or plat of the town of Lyons, in the county of Ionia, be and the same is hereby vacated: *Provided*, The consent in writing of the owners of the lands adjoining the said streets be first had and obtained and recorded in the office of the register of deeds of said county.

Part of the plat of Lyons vacated by consent of certain proprietors.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 146.]

AN ACT to incorporate the Battle Creek and Hastings Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alonzo Noble, Jonathan Hart, Reuben Pew, E. K. Ward, of Calhoun county, William P. Bristol, Salmon C. Hall, Henry A. Goodyear, Alvin W. Bailey and Nathan Barlow, jr., of Barry county, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Hastings plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Hastings plank road company, with corporate succession.

Route of road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from Battle Creek, in Calhoun county, to Hastings, in Barry, on the most eligible route.

Capital and shares thereof.

Sec. 3. The capital stock of said company shall be forty thousand dollars in two thousand shares of twenty dollars each.

Duration of charter—its amendment, repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of the members of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 147.]

AN ACT to authorize the plats of the villages of Orion and New Canandaigua City, in the township of Orion, in the county of Oakland, to be recorded.

Whereas, The original proprietors of said villages neglected to Preamble.
acknowledge and record the plats thereof as by law required, and

Whereas, Said plats were filed and now remain in the office of the register of deeds of said county; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the register of deeds of Register of Oakland to record plats.
the county of Oakland be and he is hereby authorized and required as soon as may be, to record in his office the plats of the villages of Orion and New Canandaigua City, in the township of Orion, in said county of Oakland.

Sec. 2. Said register shall not be compelled to record said plats How paid therefor.
until paid or tendered a reasonable compensation by the proprietors or other persons interested therein, and in case the register and proprietors or other persons cannot agree upon the price to be paid for such recording, the county treasurer and the chairman of the board of supervisors of said county shall determine the same, whose decision shall be conclusive.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 148.]

AN ACT to authorize the Highway Commissioners of the townships of Eaton and Benton, in Eaton county, to alter a certain State Road in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the highway commissioners of the townships of Eaton and Benton, in the county of Eaton, be Duties of certain highway commissioners.
and they are hereby authorized and empowered to discontinue and relay any portion of the Clinton road which passes through their respective townships.

Sec. 2. The said commissioners are hereby required to cause How
the survey or alteration of said Clinton road to be filed with the

township clerk of the town in which such road is altered and relayed, who is hereby required to record the same in the book of records for roads in said township.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 149.]

AN ACT to vacate certain alleys in the village of Albion, in the county of Calhoun.

Certain alleys in Albion vacated Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the alley in block thirty-one, (31) and the alley in block sixty-two, (62) in the village of Albion and county of Calhoun, be, and the same are hereby severally vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 150.]

AN ACT to incorporate the Lansing Coal Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*. That Richard R. Lansing, Bela Hubbard, Cristopher C. Douglass, Henry N. Walker and Samuel Lewis, all of the city of Detroit, and such others as may be associated with them, are hereby incorporated and constituted a body corporate and politic for the purpose of excavating, quarrying and mining, and carrying to market, mineral coal and any other material needed for useful purposes. And the said five persons above named are hereby appointed directors of this corporation, until directors shall be chosen as hereinafter provided.

Style & title Sec. 2. This corporation shall be a person in law or body corporate and politic in fact, and in the name, style and title of the Lansing coal company, and by that name have succession, and shall be capable of suing and being sued, in all courts, and in all manner

of actions, and may have a common seal and may make and alter the same at pleasure.

Sec. 3. The capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, which amount of capital the directors of the said company may increase or diminish by complying with the provisions of the twelfth section of this act: *Provided*, Such capital stock shall not at any time exceed two hundred thousand dollars.

Capital and
shares
thereof.

Sec. 4. The said company may commence and carry on its business so soon as the capital stock shall have been subscribed and a sufficient amount thereof paid in; and may purchase and hold such real estate as may be necessary to carry on its business; and may use the mechanical apparatus, machinery and moving power owned by it for mining purposes in any other useful employment. And may subscribe for and purchase and hold stock in any such of the incorporated railroad and plank road companies in this state as may be used by it for the transportation of its coal and its other materials.

Powers of
company.

Sec. 5. Books of subscription to the capital stock of this corporation shall be opened under the direction of the directors hereinbefore named, and be subject to such rules and regulations as they shall prescribe, first giving notice thereof by publishing the same in one of the daily newspapers of the city of Detroit, and in the state paper, for two consecutive weeks, and the stock of the said company shall be considered personal property and shall be assignable only on the books of the company.

Subscription
to
stock

Sec. 6. The stock, property and affairs of this corporation shall be managed by five directors, who shall be stockholders to an amount not less than twenty-five shares each, and the directors may be chosen annually by a plurality of votes, on the first Monday of October; and the first election of directors shall be on the first Monday of October in the year eighteen hundred and fifty, until which time the five persons hereinbefore named shall be the directors of the said company, who, or any two of them, shall act as inspectors at the first election. At all subsequent elections, the inspectors shall be designated by the board of directors. A notice of every election shall be published in one of the daily newspapers of the city of Detroit, and in the state paper, for two successive weeks im-

Directors—
how chosen,
term of of-
fice, &c.

mediately preceding such election, and each stockholder shall be entitled at such election to one vote on each share of stock in the company held by him or her at least ten days previous thereto, either in person or by proxy.

Officers.

Sec. 7. The directors shall elect one of their number to be president of the said company, and also the subordinate officers thereof, who shall each give such security as the company may, by its by-laws, require for the faithful discharge of their duties in office; and the directors may make and ordain such by-laws as they may deem necessary for the due regulation of the business of the company and for accomplishing the purposes for which this charter is granted, provided the same are not inconsistent with the laws of this state.

Assessments
on shares.

Sec. 8. It shall be lawful for the directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made within thirty days after a personal demand or publication of notice requiring such payment shall have been made in one of the daily newspapers of the city of Detroit, for three successive weeks.

Liability of
stockholders

Sec. 9. All the stockholders of this company shall be jointly and severally liable for all debts and contracts of this company.

Trespasses
on company

Sec. 10. Any person or persons wilfully injuring or causing to be injured any property of this company, shall forfeit and pay to the said company the amount of the damage sustained by any such injury, to be recovered with costs in any court having cognizance thereof.

Lien of in-
habitants of
this state—
how enforced,
&c.

Sec. 11. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of the said company, for all claims and demands not exceeding one hundred dollars against the said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company: *Provided*, That such claim, with specifications, shall be filed with any justice of the peace near to any of the coal mines of said company; and a notice thereof, with the specifications of the claim, be personally served upon the manager or reputed manager of said company,

at either of its coal mines, with summons to answer in not less than twenty days after the service thereof; and a duplicate of said specifications shall be mailed, on the day of so filing the same by the said justice of the peace, to the president of the said company at the city of Detroit; and to render such claim actionable or valid, these steps shall be taken within six months of the date of the claim.

Sec. 12. Whenever the said company shall desire to increase ^{Increase or diminution of capital.} or diminish the amount of its capital, it shall be the duty of the directors to call a meeting of the shareholders at some convenient place in the city of Detroit, by publishing a notice in one of the daily newspapers of the city of Detroit, and in the state paper for at least six consecutive weeks, and by depositing a printed copy thereof in the post office of the city of Detroit, addressed to each shareholder at his or her usual place of residence, or deliver the same personally, at least six weeks previous to the day appointed for such meeting, and which notice shall specify the time and place when and where the said meeting is to be held, the object of the meeting, and the amount to which it is proposed to increase or diminish the capital of the company. A vote of at least two-thirds of all the shares, in person or by proxy, shall be necessary to increase or diminish its capital, but before any diminution of the capital shall take effect, the said company shall file in the office of secretary of state, a certificate verified by the oaths of a majority of the directors of the company, that the amount of the debts and liabilities of the company do not exceed the amount of the capital to which it is so proposed to be reduced.

Sec. 13. This act shall take effect, and be, and remain in force ^{Duration of charter.} for the term of thirty years from and after its passage; the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof, for any violation of this charter.

Sec. 14. This act shall not authorize said company to engage in ^{Restrictions as to banking, &c.} banking, brokerage or any other business except such as named in said act.

Approved March 28, 1849.

[No. 151.]

AN ACT to authorize the perfecting of the records of public highways, and for other purposes.

Highway records to be transcribed. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the clerk of any township where the records of highways, filed and recorded prior to the first day of January, eighteen hundred and forty seven, may be found defective, may and he is hereby authorized to transcribe the legal survey bill of every such road, having thereon the signature of the surveyor who made the survey and the names of the highway commissioners of the township for the time being or a majority of them.

Duty of clerk transcribing. Sec. 2. The clerk in transcribing, where characters, initials, signs and figures are used in the survey bills herein required to be transcribed, shall write the same in words at full length, but the names of the highway commissioners, where there is no order establishing the survey as a public highway shall be omitted.

Duty of clerk and highway commissioners. Sec. 3. Where the clerk of any township shall have transcribed the survey bills of his township, according to the provisions of the preceding sections of this act, it shall be his duty to give notice thereof to the commissioners of highways of his township, and it shall be the duty of the said commissioners or a majority of them within ten days after the receipt of such notice, to meet at the office of such township clerk.

Commissioners to establish & determine roads. Sec. 4. When so met, it shall be the duty of said commissioners, and they are hereby authorized to affix their order and determination, establishing as public highways so many roads as there are survey bills transcribed according to the provisions of this act, or so many thereof as in their opinion, the public interest may require: *Provided*, That nothing herein shall be construed as authorizing the commissioners of highways to establish by their order, or in any manner to affect the record of any road, except such as was surveyed, opened and traveled as late as January first, eighteen hundred and forty-nine.

Determination of commissioners to be recorded. Sec. 5. The said commissioners, after having made their order upon the corrected copies of the survey bills, as prescribed in the last preceding section of this act, shall deliver the same to the township clerk, whose duty it shall be to cause the same to be filed and

recorded as provided in chapter twenty-five, section one, of the revised statutes of eighteen hundred and forty-six.

Sec. 6. The corrected copy of the survey bill of any township road filed and recorded in pursuance of the provisions of the last preceding section, shall be denominated the corrected record of highways of said township, and as such, shall be deemed of the same force and effect that they would have had in law had they been made perfect at the time the surveys were taken. Corrected record.

Sec. 7. This act shall be in force from and after its passage.

Approved March 28, 1849.

[No. 152.]

AN ACT to authorize Asquire W. Aldrich to build a dam across the Clinton river, in the county of Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Asquire W. Aldrich, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the Clinton river, in the county of Macomb, upon section ten, in the township of Sterling in said county, upon which the saw-mill of said Aldrich is now erected. Dam authorized.

Sec. 2. Said dam shall not exceed seven feet in height above low water mark, and shall have a convenient sluice or apron, of sufficient width and dimensions, to admit the safe passage of rafts down said river, which said sluice or apron shall be kept in good repair by the persons or individuals using said dam. Height and description of the same.

Sec. 3. Nothing in this act shall authorize the person or persons above named, or his heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided further,* That the occupant of said dam shall so construct, therein or thereat, a convenient lock for the safe passage of boats, rafts, canoes or other water craft, whenever the circuit court of said county shall order, upon good cause shown, and it shall be the duty of the owners of said dam, at all times to keep said lock in repair, and pass any water craft through the said lock free of toll and without unnecessary delay; and any person who shall be so detained shall be entitled to recover of the said owners the damages which he shall prove he has sus- Rights reserved.

tained by such detention, before any court of competent jurisdiction, with costs of suit.

Sec. 4. If at any time hereafter, the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for said Aldrich, or any person or persons owning said dam to claim or recover damages therefor.

Sec. 5. This act shall take effect from and after its passage. The legislature may at any time alter, amend or repeal this act.

Approved March 28, 1849.

[No. 153.]

AN ACT to amend an act entitled "an act appropriating certain Internal Improvement lands for the purpose of improving a state road leading from the village of St. Joseph in Berrien county, to the village of Lagrange in the county of Cass."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act appropriating certain internal improvement lands for the purpose of improving a state road leading from the village of St. Joseph in Berrien county, to the village of Lagrange in the county of Cass," approved March twenty-eight, eighteen hundred and forty-eight, be, and the same is hereby amended by adding at the end of section one, the following:

"William B. Gilbert, Isaac Williams, and Mitchell Robinson are hereby appointed commissioners with authority to make such alterations in said road, east of section thirty-six in town five south, of range seven west, as they may deem for the interest of said counties," and the land appropriated by the act to which this is amendatory shall be laid out and expended upon said road as altered by said commissioners.

Special commissioner.

Sec. 2. Mitchell Robinson is hereby appointed a special commissioner under the act to which this is amendatory, with full power to select, lay out, and expend the land appropriated by said act. The selection of said lands shall be made on or before the first day of September next, and the land when so selected, shall be reserved from sale by the commissioner of the land office upon notice to him by said special commissioner.

Sec. 3. All acts or parts contravening the provisions of this act ^{Repeal.} or the act to which this is amendatory shall be null and void.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 154.]

AN ACT for the improvement of the state road leading from the village of Portland, in Ionia county, to the Grand river road in the county of Clinton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the non-resident highway taxes assessed for the year A. D. 1848 that shall remain unexpended on the first day of May next, and all of the non-resident highway taxes which shall be assessed for the years A. D. 1849 and 1850 and 1851 upon non-resident lands within two miles on each side of the state road leading from the village of Portland, Ionia county, via Isaiah G. Frost and George W. Wilson, in the township of Danby, to the Grand river road in the township of Eagle, Clinton county, be and the same are hereby appropriated for the improvement of said road, to be expended as hereinafter provided. ^{Highway taxes appropriated on certain road}

Sec. 2. That when any non-resident wishes to commute his road tax, hereafter to be assessed, his labor shall be expended on said road, and the special commissioners appointed by this act, each acting within his own county, shall direct when, where and how the labor shall be expended. ^{Commutation.}

Sec. 3. That James Newman of Portland, Ionia county, and William F. Jenison of Eagle, Clinton county, be, and they are hereby appointed special commissioners to disburse the monies to be received for said highway taxes, in their respective counties, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes, which said notices shall be posted up at least ten days before the time of letting such jobs or contracts, and shall state where the work is to be performed, the time limited for the performance, the time when and the place where the jobs will be let ^{Special commiss'rs: their powers and duties.}

to the lowest bidder, who shall give bonds with one or more sufficient sureties to the special commissioners for the faithful performance of his contract.

Ibid. Sec. 4. It shall be the duty of the special commissioners to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of their respective counties wherein those lands are located, and it shall be the duty of the county treasurers to withhold from the several townships the monies accruing on such non-resident lands, and pay over the same to the special commissioners respectively.

Ibid. Sec. 5. It shall be the duty of each special commissioner to render to the board of supervisors of his county, at their annual session, a true account of the application and disbursement of all monies he may have received each year.

Oath & bond of comm'rs. Sec. 6. Before said special commissioners shall enter upon the duties of their office, they shall take the constitutional oath, and file the same with the clerks of their respective counties, and before they shall draw any monies from the county treasurers, they shall each give a bond to the treasurers of their respective counties, with one or more sufficient sureties, in double the amount of the non-resident highway taxes which may come into their hands respectively under the provisions of this act, conditioned for the faithful performance of their duties under the provisions of this act, and in default thereof it shall be the duty of the said treasurers to prosecute said bond in the same manner as bonds are prosecuted against county officers.

Compensation of commissioners. Sec. 7. Each of said special commissioners shall receive as a compensation one dollar per day when actually engaged in his appropriate duties, which amount shall be audited and allowed by the board of supervisors of his county, and paid out of the fund created by this act, and said board of supervisors may require his account to be certified by affidavit.

Vacancy—how filled, &c. Sec. 8. In case the said commissioners, or either of them shall neglect or refuse to take and file the oath of office required by this act, within four months after the passage thereof, such neglect shall be deemed a vacancy, and all vacancies shall be filled by the board of supervisors, or a majority of them, of the counties of Ionia and Clinton respectively, and any person so appointed shall take and file the oath and bond as aforesaid.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 155.]

AN ACT to authorize the commissioners of highways of the township of Pulaski, in the county of Jackson to discontinue and alter a state road in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioners of highways of the township of Pulaski in the county of Jackson, are hereby authorized and empowered to alter all that part of the highway known as the state road which passes on the line between sections twenty-three, twenty-six, twenty-nine, nineteen and thirty, in said township, by running it on the north side of section twenty-six and the south side of section nineteen and twenty on the most eligible route.

Alteration
of state road
authorized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 156.]

AN ACT to provide for the service of writings, processes and notices, in certain cases, upon persons in the employ of certain corporate companies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever, in any suit or proceeding, either in law or equity, it shall become necessary to serve any process, notice or writing upon any railroad company in this state, it shall be sufficient to serve the same upon any conductor of a freight or passenger train of cars, or upon any weigh-master at any station or depot along the line, or at the end of the railroad of such company; and such service shall be deemed as good and effectual as if made on the officers, stockholders or members, or either of them, of said company.

Service of
process on
railroad Co.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 157.]

AN ACT for the dissolution of certain school districts in the county of Oakland.

S. D. No. 1,
White Lake
dissolved.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That fractional school district number one in the township of White Lake, and county of Oakland, and fractional school district number three in the township of Commerce, in said county, are hereby dissolved.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 158.]

AN ACT appropriating certain highway taxes for the improvement of a road leading from Paw Paw, to Breedsville, by the way of Lawrence, in the county of Van Buren.

Appropriation of N. R. highway taxes on certain road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the non-resident highway taxes which shall be assessed upon non-resident lands within two miles on each side of the main traveled road from the village of Paw Paw to the village of Lawrence, known as section line road, be and the same is hereby appropriated for the improvement of said road; and that all the non-resident highway taxes which shall be assessed upon non-resident lands within two miles on the east side, and one mile on the west side of the main traveled road from the village of Lawrence, a northwesterly course to the south corner of sections thirty-two and thirty-three, in town two south of range fifteen west, thence north on the section line to the village of Breedsville, be and the same is hereby appropriated for the improvement of said road, for the period of three years from the passage of this act, to be expended as hereinafter provided.

What descriptions shall be deemed appropriated.

Sec. 2. That when the lines running parallel to said road as provided in the first section of this act, shall intersect any legal subdivision of land, as usually sold at the United States land office, the non-resident highway taxes of all such subdivisions, and such only, shall be appropriated for the purpose mentioned in this act as have

their greatest proportion lying between such parallel lines and the road aforesaid.

Sec. 3. That when any non-resident wishes to commute his road tax, hereafter to be assessed, his labor shall be expended on said road, and the special commissioner by the provisions of this act shall direct when, where and how the labor shall be performed. Commutation.

Sec. 3. That Eaton Branch, of the said county of Van Buren, be, and he is hereby appointed special commissioner to disburse the moneys aforesaid, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships, through which said road passes; such notices to be posted up at least ten days before the time of letting such contracts, and shall specify where the work is to be performed, the time limited for the performance, the time when and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties, to the special commissioner for the faithful performance of said contract. Special commissioner—his duties, &c.

Sec. 5. It shall be the duty of the supervisor and assessors of the several townships, through which the said road passes, to make out, at the time of making their assessment, a correct list of all the non-resident lands within the limits mentioned in the first section of this act, and deliver the same to the special commissioner, within thirty days thereafter, and it is made the duty of the special commissioner to file the same with the treasurer of the county, and it shall be the duty of the county treasurer to withhold from the several townships the moneys accruing on such non-resident lands. List of lands to be made by supervisor, &c.

Sec. 6. It shall be the duty of the special commissioner to render to the board of supervisors of the county, at their annual session, a true account of the application and disbursement of the money he may have received each year. Annual account of commissioner.

Sec. 7. Before said special commissioner shall enter upon the duties of his office, he shall take the oath prescribed by the constitution of this state, and file the same with the county clerk; he shall, before entering upon the discharge of the duties of his office, give a sufficient bond with one or more sureties, in double the amount of the non-resident tax in this act appropriated; such bond shall be Oath & bond of commissioner.

approved by the county treasurer, county register, and judge of probate, and be filed in the office of the county clerk.

His compensation.

Sec. 8. The special commissioner shall receive as a compensation for services, one dollar per day, when actually engaged in the business of such road, which amount shall be credited and allowed by the board of supervisors, and paid out of the fund created by this act, and the said board of supervisors, may require said commissioner to certify his account by affidavit.

Vacancy—how filled, &c.

Sec. 9. In case the said special commissioner shall neglect or refuse to take and file the oath of office required by this act, within ninety days after the passage thereof, such neglect shall be deemed a vacancy, and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors, and any person so appointed, shall take and file the oath and bond as aforesaid.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 159.]

AN ACT to amend an act approved March nineteenth, eighteen hundred and thirty-eight, vacating a portion of the village plat of Otsego.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of the above recited act, approved March nineteenth, one thousand eight hundred and thirty-eight, be and the same is hereby repealed, and the original plat of said village, with its addition, as recorded, and Burlingham's addition, is hereby confirmed and legalized.

Sec. 2. The streets shall be the highways in said village, and Platt street is hereby extended north to the Kalamazoo river.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 160.]

AN ACT to vacate the village plat of the village of Bloominggrove in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the village plat of the village of Bloominggrove, in the county of Berrien, heretofore laid out on the north half of the north east fractional quarter of section No. nine, (9) and the north half of the north west quarter of section ten, (10) in township No. five (5) south of range nineteen, (19) west, be, and the same is hereby vacated. Plat of Bloominggrove vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 161.]

AN ACT to provide for draining certain low lands in the vicinity of Detroit.

Whereas, It is represented and believed by the mayor, aldermen and freemen of the city of Detroit, that great and serious injury to the health of the citizens of said city results from the overflow of water on the low lands in rear of and adjacent to said city, thereby overflowing a large portion of the lots of ground on which buildings are now being erected; and as the drains constructed, although of large dimensions, are by no means capable of carrying off, at once, the floods of water resulting from sudden rains or dissolving of snows, it follows that many cellars are filled with water and the debris thus carried into them, from which the injury to health, must be apparent; therefore, Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council of the city of Detroit, shall inquire into and certify whether any and what marsh, swamp, or other low lands are a source of disease and injury to the public health of said city, and whether said public health will be promoted by draining the same; and if they shall so certify, shall file said certificate with the clerk of the mayor's court of said city. Com. council of Detroit to certify nuisance, &c.

Sec. 2. The common council shall thereupon issue a summons directed to the marshal of said city, sheriff, or any constable of the Proceedings thereupon.

Jury of view county of Wayne, requiring him to summons nine reputable freeholders of such county, who are not interested in the lands through which any ditch contemplated to be cut shall pass, nor in any wise of kin to the parties interested in the land, to be and appear on the premises at a certain time to be specified in such summons, not less than fifteen nor more than twenty days from the date thereof, which summons shall also direct the officer to serve the same, and give six days notice to the owner of such lands, of the time at which the jury is to appear; and which summons shall be executed and return made thereof, in the same manner and with like authority, as upon services issued in cases pending before justices of the peace, and certify that the notice required has been given.

Proceedings on view of premises.

Sec. 3. The mayor, or any alderman or justice of the peace thereto designated and required by the common council, shall attend at the time and place specified in the summons, and if it appear that the notice above prescribed has been given, and if six or more of the nine freeholders as above specified shall then and there appear, he shall administer to each of them an oath or affirmation well and truly to examine and certify in regard to the benefits or damages which will result from the opening of said ditch or ditches.

Id.

Sec. 4. The common council shall deliver to the jury a map of the land through which said ditch or ditches are proposed to be opened, on which map the plan, length, width and depth thereof shall be particularly designated, with a space sufficient on each side to receive the deposit of the excavation; and thereupon the jury shall personally examine the premises and hear any reason that may be offered in regard to the questions submitted to them; and if the jury shall be satisfied that the opening of said ditch or ditches is necessary or proper, they shall so certify in writing; and further certify, whether the benefits which will accrue to the owner of the lands for the opening of said ditch or ditches, will or not, be equal to any damages that he will sustain thereby; and if such benefits are certified not equal to the damages, the jury shall assess and certify the damages which in their judgment will be sustained by the owner.

Inquisition. **Sec. 5.** Such inquisition shall be signed by all the jurors, and de-

livered to the mayor, alderman, or justice in attendance: and for all services rendered, the same fees shall be paid as are allowed for similar services in cases tried before justice of the peace.

Sec. 6. Upon the delivery of the certificate of the jury to the mayor, alderman or justice in attendance, which certificate, together with the inquisition and map shall be filed with the clerk of the common council, and upon payment of cost of proceedings, and payment or tender of the damages assessed by the jury, if any, it shall be lawful for the common council to enter by their agent, teams and necessary implements, upon said lands, and cut and open such ditch or ditches, designated on said map, as adopted and sanctioned by such jury, not deteriorating materially from the dimensions there laid down. Entry on premises authorized, &c

Sec. 7. After said ditch or ditches shall have been opened, it shall be lawful for said common council, their successors or agent, forever thereafter, from time to time, as it shall be necessary, to enter the lands through which the same are opened, and clear and scour such ditch or ditches, so as to preserve the original dimensions thereof. Right to maintain ditches.

Sec. 8. Any person who shall in any way obstruct or injure any ditch or ditches so opened, shall be liable to pay the common council aforesaid double the damages that shall be assessed by the jury for such injury, and in case of a second or other subsequent offence by the same person, treble such damages. Trespassers on same.

Sec. 9. If any person, summoned to attend as a juror, in accordance with the provisions contained in section two of this act, shall fail or neglect to attend at the time and place specified, unless satisfactory excuse be given for such non-attendance or neglect, he shall be liable to a fine of five dollars, which may be imposed by the officer who shall officiate at the swearing of the jury, which officer may order such delinquent juror to be imprisoned until such fine is fully paid. Failure to attend as juror, fineable

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 162.]

AN ACT relative to the support of the poor in the county of Berrien.

Supervisors
of Berrien
county may
contract for
support of
poor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendents of the county poor in the county of Berrien, be, and they are hereby authorized to contract with one or more persons to maintain all, or any part of the poor which their county may be liable to support.

In such case
temporary
relief may
be afforded
by overseers
&c.

Sec. 2. When it shall be determined by the superintendents of the poor in the county of Berrien, to support the poor of their county by contract, so much of chapter thirty-eight of the revised statutes of eighteen hundred and forty-six, as allowed justices of the peace to draw orders for temporary relief of the poor, shall not be in force in said county; and the overseers of the poor in the several townships in said county shall forthwith report to the superintendents of county poor, all such persons needing relief as may come to their notice; and the expenses of giving such notice shall on proper vouchers being presented, be paid by the county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 163.]

AN ACT appropriating certain non-resident highway taxes, for the improvement of the north road between the villages of Milford and Pontiac, in Oakland county.

Appropriation
of N. R.
highway tax

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all such non-resident highway taxes as may be collected for the year eighteen hundred and forty-eight and for two years thereafter, for one mile each way from the center of the north road, running from the corner of Pontiac and Front streets, in the village of Milford, east through the Hungerford settlement to Saginaw street in the village of Pontiac, and county of Oakland, shall be appropriated for the improvement of said road.

Special
commissioner.

Sec. 2. A special commissioner shall be appointed by the Governor who, in expending all moneys which may become subject to

his control by the provisions of this act, shall be governed by the same laws as far as they are applicable, as are now or may hereafter be in operation for the government of township highway commissioners.

Sec. 3. It shall be the duty of said special commissioner before entering on the duties of his office, to take and subscribe an oath to faithfully perform said duties, and also to file in the office of the county treasurer of Oakland county, a bond in the penal sum of one thousand dollars, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurer to prosecute the same, in the manner prescribed by law for the prosecution of bonds against county officers.

His oath & bond.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of June next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the country treasurer, who shall thereupon open an account with the Milford and Pontiac north road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office, for non-resident highway taxes upon any of the land described in said list, and charge said fund with all moneys drawn by said special commissioner.

His duties.

Sec. 5. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer, who shall pay the same from any moneys in his hands standing to the credit of said state road fund.

Ibid.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions of this act, and his accounts for such time, verified by his oath, shall be audited by the board of supervisors of the county of Oakland, and shall be paid from any moneys standing to the credit of said fund.

Compensation of com'r

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 164.]

AN ACT to incorporate the Northwestern Health Insurance Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Volney Chapin, William S. Maynard, Flavius J. B. Crane, Horace Church, Manly D. Howard, and all others who may become associated with them as stockholders, as hereinafter provided, their successors and assigns forever, be, and they are hereby created and made a body corporate and politic, for the purpose of health insurance, by the name of the "Northwestern health insurance company;" and by that name shall be, and hereby are empowered to purchase, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded, in all courts in this state; to have and use a common seal, and the same to change, break and renew at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business: *Provided*, They be not repugnant to the laws of the United States, or of this state, or to the provisions of this act of incorporation.

Capital stock, shares and instalments thereon.

Sec. 2. The capital stock of said corporation may be, and shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said corporation, by each subscriber to said capital stock, at the time of subscribing for the same, an instalment of five dollars on each share of stock by him subscribed for; and a further instalment of five dollars within forty days after the organization of said company; and the remainder of said shares, so subscribed for, shall within forty days after the organization of said company, be secured to be paid, either by bond and mortgage upon real estate, in gold and silver coin, or by such endorsed promissory notes as shall be approved of by the directors of said corporation; and shall be payable

in such instalments, and at such times, as the directors may determine; and such endorsers shall have a lien on the stock for which such note or notes are given.

Sec. 3. The business of said corporation shall be confined to health insurance, and contracts of insurance may be made on such terms and conditions, and for such periods of time and confined to such persons, as shall be from time to time ordered and provided for under and by virtue of the by-laws of said corporation; and policies may be issued, stipulated to be with or without participation of profits, but all dividends, which shall be declared upon such insurance, or declared to stockholders, which are not claimed and called for within one year after the same have been declared, shall be advertised, for at least four weeks in the state paper, and if not demanded within six months after the publication of said notice shall become forfeited to said company.

Business & objects of company.

Sec. 4. The office of said company shall be located in the village of Ann Arbor, in the state of Michigan, and the stock, property and affairs of said corporation shall be managed and conducted by not less than five, nor more than nine directors, (the number of said directors to be determined by the by-laws of said company) to be chosen by ballot from among and by the stockholders; which directors shall hold their offices until the second Monday of May next ensuing their election, and until others are chosen to supply their places; and the annual meeting for the choice of directors shall, after the first election, be holden in the village of Ann Arbor, on the second Monday of May. In the choice of directors as aforesaid, each stockholder present, or represented by his attorney, duly appointed and empowered, shall be allowed one vote for each and every share of stock by him held, and none but stockholders shall be eligible to the office of director; and the stockholders may determine what number of directors may constitute a quorum for the transaction of business.

Office of Co. board of directors, &c.

Sec. 5. The directors may choose a president, secretary and treasurer of said corporation, and appoint such other officers, clerks and agents, and establish such agencies in this state or elsewhere, as shall be by them deemed advisable for conducting the business of the said company; fix their compensations and take bonds from any or all of them for the faithful performance of their duties; and make such covenants and agreements as may be deemed necessary. The president shall be chosen from among the directors, and hold his

Officers.

appointment for one year, and until another is chosen; but the other officers and servants of said company may be displaced, and new ones appointed at the pleasure of the directors. In the absence or disability of the president, the directors may choose a president pro tempore, and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy, who shall hold the appointment until others are chosen in their places.

Corporation
not to be dis-
solved by
failure of
stated elec-
tion.

Sec. 6. If it shall so happen that an election of directors of said corporation shall not take place at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby; but an election may be held at any time within one year thereafter; the time to be fixed upon and notice thereof given by the directors last chosen. And public notice, by order of the directors, shall always be given at least ten days previous to any meeting of the stockholders, in the state paper, or in such other way as may be deemed expedient: and the president shall have power to call special meetings of the stockholders whenever thereto requested by a majority of the directors.

Share trans-
ferable and
assessments
thereon.

Sec. 7. The capital stock of said company shall be transferable according to the rules and regulations of the company, and if any subscriber of any share or shares of said stock, shall neglect or refuse to pay the instalments as aforesaid, or to secure the payment of the residue of the stock by him subscribed as aforesaid, for the space of sixty days after the same shall become due or required, and after he or they have been notified thereof, the stock of such negligent stockholder shall be sold by the directors, at public auction, giving at least thirty days notice thereof, in the state paper; and the proceeds of said sale shall be first applied in payment of the instalment called for, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Subscription
to capital
stock & or-
ganization
of company.

Sec. 8. To carry out the provisions of this act, and to organize the said corporation, the said William S. Maynard, Horace Church and Manly D. Howard, or either two of them are hereby authorized and appointed to receive subscriptions to the capital stock thereof, and the first instalment thereon, and when nine persons shall have become subscribers to the capital stock of said corporation, they may upon the call of the said William S. Maynard, Horace Church

and Manly D. Howard, or either two of them, meet together at the time and place named in said call, and adopt such rules and regulations as may be necessary or convenient for commencing or carrying on business under this act. They may also at the same time and place, choose a board of directors, in the manner hereinafter provided, who shall hold their offices, with all the powers given to directors by this act, until others are chosen to supply their places. And when the said rules and regulations have been adopted, and the directors chosen as aforesaid, and when the board of directors shall have been organized pursuant to the provisions hereinbefore made, the said corporation shall have full power to insure the health of such persons only, as are or may become subscribers to the capital stock, until one hundred shares of said capital stock have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner hereinafter required; but after the said one hundred shares of stock have been subscribed for and the instalment aforesaid has been paid in, and the residue of said subscription has been secured as aforesaid, the said corporation may exercise all the powers and privileges conferred by this act.

Sec. 9. All policies of insurance or other contracts authorized Policies. by this act, which shall be made and entered into by said corporation, may be either with or without the seal thereof, and shall be subscribed by the President, (or such other officer as shall be designated for the purpose by the by-laws of said corporation,) and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon said corporation, according to the true intent and meaning of such policies and contracts; and all such policies and contracts may be made, signed, executed and attested, without the presence of the board of directors, by the president, or by a committee of directors previously appointed for that purpose by said board, or by such other persons as they may appoint; and the acts of such president or of such committee or person appointed, shall be binding and obligatory upon said corporation.

Sec. 10. The capital stock, monies and personal estate, of said corporation, may be invested at the discretion of all of the directors, either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount Investment of capital, &c.

loaned thereon, or in United States or state stocks, or stocks created by any state of the United States, or in stocks of the "Michigan central railroad company," or may be loaned upon endorsed promissory notes not having more than twelve months to run; and the same may be called in and reloaned on the like security, as occasion may require.

**Annual
statement of
directors.**

Sec. 11. The directors of said corporation shall, on the first Monday of May, annually, cause a statement to be made, and a balance struck of the affairs of said corporation; and if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders a sum equal to six per cent. per annum, on the amount of capital stock actually paid in, if so much remain after paying said losses and expenses, and providing for said risks; and in case of such dividend not being made in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Dividends:

Sec. 12. After providing for risks, losses, incidental expenses and dividends, as specified in the preceding section, one half of the remaining profits, if any, shall be reserved by the directors and applied towards the payment of the capital stock which shall have been subscribed for before the striking of the balance, of the affairs of said corporation, as aforesaid, and the other half of said remaining profits may be divided among the stockholders and the insured.

Sec. 13.

After the whole capital stock authorized by this act shall be subscribed for and actually paid in, the stockholders shall be entitled to an annual dividend of six per cent.: *Provided*, The net surplus receipts of the corporation, over and above their losses and expenses, shall be sufficient for the purpose; and the residue of said surplus receipts, after paying said losses and expenses, may be divided among the stockholders and the insured; but no interest shall be paid or dividends declared either to the stockholders or to the insured, whereby the capital stock of said corporation shall be reduced or impaired; and if any loss shall happen, whereby the capital stock of said corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said capital stock.

Sec. 14. The stockholders of this corporation shall be individually liable for all debts incurred by said company: *Provided, That* ^{Liability of stockholders} the corporate property shall be first exhausted, before the private property of any member of said company shall be taken.

Sec. 15. The said company shall pay to the treasurer of the state ^{State tax & annual report.} of Michigan, an annual tax of one per cent. on the whole amount of capital paid in upon the capital stock of said company, which tax shall be paid on the first Monday of June in each year, or within ten days thereafter, and shall be assessed upon the last preceding report of said company, and for that purpose, the president and secretary thereof, shall on the first day of January in each year or within fifteen days thereafter, make under their hands a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company; and in consideration of such tax, the property and effects of said company, whether real, personal or mixed, shall be exempt from all and every other tax, charge and exaction, by virtue of the laws of this state now or hereafter to be in force.

Sec. 16. The directors shall have power to require every person ^{Subscribers to effect insurance.} subscribing to the stock of said corporation to effect insurance here in, either upon his own health, or upon the health of some other person, for such length of time as they shall prescribe, and every person offering insurance in said corporation shall have the privilege of subscribing for one share of said stock until the whole number of shares authorized by this act, shall be taken up; but insurances may be made, and risks taken by said corporation, at the request of the parties insured, without their becoming stockholders or being entitled to any of the profits thereof.

Sec. 17. Suits at law may be maintained by any stockholder or ^{Suits against company.} person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified, and payment thereof demanded, of such loss or damage; and no stockholder or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness therein.

Sec. 18. The indebtedness of the said corporation, shall not at ^{Limitation of indebtedness.} any time exceed the amount of capital stock authorized to be sub-

scribed by this act. And in case of a failure to organize the said company within one year from the date of the passage of this act, the corporate rights hereby granted shall be deemed to be forfeited.

General provisions. Sec. 19. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Duration of charter. Sec. 20. This act shall take effect and be in force from and after its passage, and continue in force twenty years therefrom.

Restrictions as to banking. Sec. 21. It shall not be lawful for said company to use their funds, or any part thereof, in any banking or brokerage, or exchange, or in buying or selling money, or bank notes, or in any other business whatever, except that especially provided for by this act.

Approved March 30, 1849.

[No. 165.]

AN ACT to incorporate the Saginaw and Grand River Canal Company.

Commissioners. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That G. D. Williams, James Frazer, D. J. Johnson, and J. L. Woodruff of Saginaw city, Adam L. Roof, of Ionia county, Rix Robinson, of Kent county, D. H. Fitzhugh, John F. Mackie, and Charles Yates, of the city of New York, be, and are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Saginaw and Grand river canal company, hereby incorporated for the term of sixty years from the passage of this act: that they shall cause the books for subscription to be opened at the city of Saginaw, village of Grand Rapids, city of Detroit, and other places in this state as they may deem proper, and in the city of New York, in the state of New York, for the purpose of obtaining subscriptions to the capital stock of said company, first giving thirty days notice, in at least two newspapers at the time of taking such stock.

Books of subscription to capital stock. Sec. 2. The capital stock of this company shall be two hundred thousand dollars, in shares of fifty dollars each, and as soon as the capital stock shall have been subscribed, the subscribers thereto,

Incorporation.

their successors and assigns shall be, and are hereby created a body corporate and politic, by the name of the Saginaw and Grand river canal company, and by that name shall be capable in law, of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary, for the purpose hereinafter mentioned, and no further, and in their corporate name may sue and be sued, may have a common seal, which they may renew and alter at any time, and shall have and enjoy, and may exercise all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act. The said corporation are hereby authorized to enter upon the canal commenced by the state, as their property, at the forks of Bad river, and upon the lands on either side, and through which the said canal may pass, to the bend of the Maple river, a tributary of Grand river, and as far on that river as may be thought proper, to tow path, and concentrate the water for canal use, giving notice to the owner or owners of land, of their intention to use such land for canal purposes. To dig, construct or excavate the earth, erect, set up any dams, locks, waste-weirs, sluices, feeders or any other device whatsoever, to render the same navigable with boats, barges, or other craft: that the said company shall have power to make such improvements on the said Bad. Maple and Grand rivers from the beginning of the canal to its termination at Grand river, for the purpose of carrying out the objects of the company. The company shall make amends for any damages that may be done on said lands, and pay the owner or owners for any material that may be taken for the use of the canal, or destroyed in its construction, as well as for the land through which said canal is to pass: that any river or stream that can be used as a feeder for such canal, if such is necessary, may cut to connect with the canal for such purposes.

Powers of
Co. in tak-
lands, &c.

Sec. 3. The said corporation may agree with the owner or owners of said land through which the said canal is to pass, or any other person or persons, for materials for the construction of locks, dams, waste-weirs, tow-paths, or any work whatsoever, for the construction or repair, purchase and occupancy of the same, as may be necessary for the purposes to carry out the intention of the company hereby incorporated. And if the parties cannot agree, or if the owner or owners, or any of them be a femme covert, under

Sec.

Jury of inquest.

age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not interested nor in any way related to the parties, and if such persons cannot be found, from the county next adjoining, as may be designated by said justice above mentioned, to meet on or near the property or material to be valued, on a day named in said warrant, and not less than five nor more than ten days after the issuing of the same, and if at the said time and place, any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, and from them each party, his, her or their agent or attorney, or if either of them be not present in person, or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners shall sustain by the use and occupancy of the land, by the said company: *Provided*, nothing shall prevent the owner or owners of said land from giving to the said company the said land as a free gift by deed, for the use and benefit of said company; and the said jury shall reduce the said inquest to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, to be by him filed in his office, and shall be confirmed by the circuit court of said county, at its next session, if no sufficient cause to the contrary be shown; and when confirmed the same shall be enrolled by the said clerk at the expense of said company, and said confirmation shall be deemed final.

Inquest to be confirmed by circuit court.

Co. may dispose of water power.

Sec. 4. The said corporation shall have the privilege and be entitled to sell in fee, or lease or rent, for one or more years, any water power created by any dam or lock erected at the expense of the company, to any person or persons, on such terms as shall be deemed advantageous to the corporation: *Provided*, That it may be so done that it shall not injure any person now in possession.

When work to be commenced.

Sec. 5. If said corporation shall not within five years from the

passage of this act, commence the same by breaking ground, and shall not within ten years complete the same in such manner that said canal shall become navigable for boats, barges and other craft from Saginaw river to Grand river, or in other words, from lake Huron to lake Michigan, then the rights, privileges and powers of said corporation shall cease and become inoperative.

Sec. 6. Whenever the whole capital stock of said company shall have been subscribed, the commissioners shall call a meeting of the stockholders or subscribers at such time and place as they may appoint, by giving thirty days notice of such meeting, in the manner prescribed in the first section of this act; and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or proxy.

Sec. 7. There shall be chosen annually at such time and place as such directors may determine, a president and seven directors of said company, and if any vacancies shall occur by death, resignation or otherwise, of any president or director before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors shall hold their offices for one year, and until others are chosen and qualified to fill their places: All elections by this act, or by the by-laws of the company, to be made on any particular day, to be designated, and if not made on that day, may be made on any subsequent day, provided the notice contemplated in the first section, shall be given.

Sec. 8. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of president and directors; a meeting may be called at any time during the interval between the said annual meeting, by the president and directors, or by the stockholders owning one-third of the stock, by giving thirty days notice of the time and place of meeting, in the manner hereinbefore prescribed, and when any such

1st meeting
and election
of first directors.

Annual election of officers.

General meeting.

Special meetings.

meeting is called by the stockholders, the particular object of such meeting shall be stated, and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within three days, stockholders having a majority of the stock, do not attend such meeting, then said meeting shall be dissolved.

Annual statement of directors.

Sec. 9. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a distinct and clear statement of the affairs of the said company; and at any meeting called of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be, to furnish them when thus required, and at all general meetings of the stockholders, owning a majority of all the stock in said company, may remove from office any president or directors of said company, and appoint others in their stead.

Compensation of officers and powers of directors.

Sec. 10. The said president and directors or a majority of them shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents and servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure, and the said president and directors or a majority of them, shall have power to determine the manner and evidence of transfers of the stock of said company, and shall have power to pass all by-laws, which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated, provided such by-laws shall not be contrary to the constitution or laws of the United States or this state. The president and directors of said company shall be, and they are hereby invested with all the privileges and powers necessary for the location and construction of said canal and locks, dams, feeders, waste-weirs, tow-paths and all manner of work, necessary to carry out the object and intent of constructing said canal for navigable purposes, also to declare the per cent. to be paid at the time of subscribing for said stock, and such other calls for money, how much, and when to be paid, from the subscribers to the stock of said company, until the whole amount is paid by each subscriber to the stock of the said company.

Sec. 11 The president and directors of said company, or their agent or agents, or those with whom they may contract for the excavating of said canal, building locks, and clearing out rivers to render the canal navigable, or any part of them, may enter upon, use, excavate any land which may be wanted for the use of the canal, or any purpose which is necessary for the construction and repair of said canal, locks, dam, feeders, waste-weir, tow-paths or whatsoever they may deem necessary for the use and benefits of said company, as soon as the amount of compensation therefor is ascertained and tendered as hereinbefore provided.

Company may take possession of land, &c. after compensation therefor is tendered, &c.

Sec. 12 If the president and directors of said company shall neglect or refuse to keep in good order and repair any dam erected at the time of building said canal, or shall neglect to remove any obstacle in the river, used by the company which is caused by any of the boats, rafts, navigating said canal, when the same is not prevented by ice, or some unavoidable cause, after ten days notice to the superintendent of the canal, they shall for every such offence pay to the party aggrieved, the sum of twenty dollars, to be recovered by action of debt, before any court having competent jurisdiction.

Penalty for neglect to repair canal &c.

Sec. 13. If any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or whereby any dam, lock, gate or tow-path, engine, machine or device therein belonging or any machinery or property of the company (or contractors who are constructing said canal,) shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the company double the damages by them sustained, together with costs, to be recovered by an action of debt, before any court of competent jurisdiction.

Trespass on property of company.

Sec. 14. Nothing herein contained, shall be so construed as to authorize said company to destroy, or in any way impair any right or privilege of water on which a dam has been erected and which is occupied and improved by the erection of mills, and if it should be necessary to alter any dam so erected, or alter any lock or sluice thereon, to correspond with the improvement of said company and adapt the same to the purposes intended by this act, and such alteration is not assented to by the mill-owners who erected said dam, lock or sluice, the damages for any such alteration shall be first as-

Rights of mill-owners reserved.

certained and tendered to such owners as herein provided, before such alteration shall be made: *Provided*, That on any such alteration of any dam, lock or sluice-way being made by the company, the owner of such dam shall be entitled to all the water power created by such alteration, and in the estimate of damages as aforesaid, the increase, if any, to the water, shall be taken into consideration, in making such estimate, but in no case shall any estimate be made, which shall require the owner of any such dam to pay any sum of money to said company for the improvements made to the dams as above provided.

Tolls. Sec. 15. The president and directors and company, or such person or persons as they shall from time to time appoint, shall have power to charge and receive for tolls on said canal and rivers, such reasonable sum as shall be established by the by-laws of the company hereby incorporated, and it shall not be lawful for any other company or any other person or persons to receive tolls in any portion of the rivers above referred to, or any part thereof, from the city of Saginaw to the village of Lyons, on Grand river, without the license or permission of the president and directors of said company; and the shares of the capital stock of said company shall be considered personal property and shall be transferable on the books of said company agreeably to the by-laws of said company.

Dividends. Sec. 16. The president and directors shall at such times as the company by their by laws may direct, declare and make such dividends as they may think proper for the net profits from the resources of said company, deducting the necessary current expenses, and they shall make such dividends among the stockholders of said company in proportion to their respective shares.

Liability of stockholders Sec. 17. The stockholders shall be individually liable for all debts contracted by the said company, after the corporate property of said company shall have been first exhausted.

State may purchase canal. Sec. 18. It shall be lawful for the state of Michigan, at the expiration of the time granted by this company, to take possession of the canal and improvements made for the purposes before mentioned, and convert the same into state property, on the payment of the cost and investment and ten per cent. in addition thereto. Said corporation shall be subject to the provisions of chapter fifty-five,

title ten, of the revised statutes of 1846, so far as the same may be applicable.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 166.]

AN ACT authorizing the Librarian to cause to be bound the Illustrated Dramatic Works of Shakespeare, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the librarian is hereby required to cause to be bound, the illustrated dramatic works of Shakespeare, and also the pictures of the North American Indians, now in the state library. Certain works to be re-bound.

Sec. 2. The cost of the binding the said books shall be paid by the state treasurer out of any money in his hands not otherwise appropriated, on the certificate of the librarian that the work has been properly done. Pay therefor

Sec. 3. That the governor is hereby authorized and required to transfer from the state library to the university of Michigan, four volumes of the works of the Marquis de la Place, entitled "Méchanique Celeste." Transfer of certain books to university. &c.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 167.]

AN ACT to amend an act entitled an act to incorporate the City of Monroe and certain acts amendatory thereto.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of the act entitled an act to incorporate the city of Monroe, approved March twenty-seventh, eighteen hundred and thirty-seven, be amended by striking out words "one collector," in the ninth line thereof, and the word "collector," in the eighteenth line of the same; also, that sec- Monroe city charter amended.

tion eight be amended by inserting the words "and one collector," between the words "solicitor" and "two," in the sixth line.

Ibid. Sec. 2. That section five of an act, entitled an act to incorporate the city of Monroe, approved February sixteenth, eighteen hundred and forty-two, be amended by striking out the word "one," in the fifth line, and inserting in the place thereof, the word "five."

Ibid. Sec. 3. That the act entitled an act to amend the charter of the city of Monroe and for other purposes, approved March seventeenth, eighteen hundred and forty-eight, be amended by adding at the end of section sixteen the following: "and it shall be the duty of the collector on or before the first Monday of November of each year, to make out and deliver to each of the assessors of the city of Monroe lists of such portions of all the lands of non-residents and persons unknown, as are situated in the wards of such assessor, which are taxed in the roll attached to his warrant, for street taxes, and upon which the street taxes have not been paid, together with the amount unpaid on each tract, lot or parcel, and make and subscribe an oath before some person competent to administer oaths, or before such assessor, that the street tax assessed upon the lands so returned have not been paid, which arrearages of street taxes shall be by the assessors of any ward of said city, in which ward any of the said lots, tracts or parcels are situate, placed on his assessment rolls in a column to be headed "street taxes," opposite the description of the property so returned, and shall be collected in the same manner as the city taxes of said city are required by law to be collected."

Ibid. Sec. 4. That section twenty-three of chapter forty-one of the revised statutes be so amended, that for the city of Monroe, the license money therein directed to be paid to the clerk for license, shall hereafter in all cases be paid to the treasurer of said city, by the person applying for such license, previously to such license being issued.

Fees of collectors in Monroe. Sec. 5. That it shall be lawful for the assessors of the several wards of the city of Monroe, in assessing all city taxes of every description to add to the same four per cent. for fees of the collector, in the same manner as in assessing state and county taxes.

Power of com. council of Monroe. Sec. 6. That the common council of the city of Monroe shall have power to make all such laws and ordinances as to them may seem proper, to direct and prescribe the manner of assessing the real es-

rate of said city for the purpose of paying off the indebtedness of said city heretofore lawfully incurred for the purposes of improving the navigation of the river Raisin, and may by ordinance direct said assessors of the several wards of said city, at such time or times, and in such manner as to said common council may seem expedient, to meet together and equalize the valuation of real estate in said city, for the said purpose.

Sec. 7. The common council of the city of Monroe may at any time require an additional bond to be executed by the said collector, in double the amount of the sum to be collected, with good and sufficient sureties to be approved by the said common council, and if said collector fail to give such additional bond within ten days after he shall be required to execute the same, the office of said collector may thereupon be declared vacant by the common council.

Bonds of
city collect-
ors.

Sec. 8. Whenever the office of any collector shall become vacant for the cause mentioned in the last preceding section, the said common council shall within five days after such vacancy shall occur, appoint another collector, who shall hold his office until the next ensuing annual charter election, provided he shall execute such bond at the time, and in the manner as hereinbefore prescribed.

Vacancy in
office of col-
lector—how
filled.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 168.]

AN ACT to incorporate the Oakland Female Seminary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Williams, Origen D. Richardson, Horace C. Thurber, Willard M. McConnel, Benjamin B. Morris, Hestor L. Stevens, Samuel M. Stelle, Jacob Hendrickson and Ezra H. Buddington, together with such other persons as may become members of the incorporation hereby created, shall be and they are hereby constituted and declared to be a body corporate and politic, by the name of the Oakland Female Seminary, and in their corporate name may sue and be sued, may have a common

Incorporation.

seal which they may renew at pleasure, and shall have, enjoy, and may exercise, all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act.

Capital. Sec. 2. The capital stock of said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of ten dollars each.

Real estate of company. Sec. 3. The corporation hereby created, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate real and personal whatever, to an amount not exceeding five thousand dollars and to lease, sell and convey, or otherwise dispose of the same.

Trustees. Sec. 4. There shall be forever hereafter, eight trustees of the said corporation who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Alfred Williams, Origen D. Richardson, Horace C. Thurber, Willard M. McConnell, Benjamin B Morris, Hestor L. Stevens, Samuel M. Stelle, Jacob Hendrickson and Ezra H. Budington, who shall hold their offices until the first day of January eighteen hundred and fifty and until others are elected in their places.

Gen'l meeting of Co. Sec. 5. There shall be on the first Monday of January, eighteen hundred and fifty, and on the first Monday of January in every succeeding year a general meeting of the members of said corporation at some convenient place in the village of Pontiac, to be designated by the by-laws of said corporation; and a majority of the members who shall meet in person or by proxy, shall elect by ballot, eight of their number to be trustees of the said corporation for the year then next ensuing.

Power of trustees to choose officers. Sec. 6. The trustees of said corporation shall have power to choose from out of their number a president, a treasurer, and a secretary, who shall immediately enter upon the duties of their office, and hold the same from the time of their election, until the first Monday of January, of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then and in every such case, the remaining may within thirty days thereafter, elect by ballot, other members of said corporation in their stead who shall hold their offices in the same manner as those first elected.

Shares of stock. Sec. 7. Each member to be entitled to one vote for each share,

of which he shall be the holder. And the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed; the said shares shall be assignable and transferable according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

Sec. 8. In case it should at any time happen that an election of the trustees should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, or any non user, be dissolved; but it shall and may be lawful, on any other day, to hold an election for trustees in such manner as shall be provided by the laws and ordinances of the said corporation.

Proceedings in case of failure to elect officers at regular meeting.

Sec. 9. No male teacher shall at any time hereafter forever be employed in the seminary hereby incorporated. The trustees may by their by-laws make all necessary rules and regulations for calling special meetings and for all other purposes, and five trustees shall constitute a quorum for the transaction of business.

Teachers, by-laws, &c.

Sec. 10. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty six.

General provisions.

Approved March 30, 1849.

[No. 169.]

AN ACT to provide for laying out and establishing a certain State Road in the counties of Allegan, and Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Oka Town and Erastus Congdon of the county of Allegan, and Hiram Jennison of the county of Kent, be, and are hereby appointed commissioners to lay out and establish a state road leading and running on the most direct route from Otsego in the county of Allegan, to Grand Rapids in the county of Kent.

Comm'r to lay out road.

Sec. 2. The commissioners named in this act, shall file the surveys of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township, and it is hereby made the du-

Duties of said comm'r and certain town clerks.



ty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded, and the several townships shall be chargeable equally alike for the expense of laying out and establishing said road, together with the necessary expense of the survey, which shall be audited and paid when collected, to the said commissioners as other highway expenses are paid; said commissioners to receive one dollar and fifty cents per day for actual services.

Sec. 3. This act shall take effect and be in force from and after its passage

Approved March 30, 1849.

[No. 170.]

AN ACT to provide for the location of the Seat of Justice in the County of Kent.

Appointm't,
power and
duties of
comm'rs to
locate coun-
ty site of
Kent Co.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor be, and he is hereby authorized and required to appoint three suitable and disinterested persons, not residents of said county, as commissioners, to examine the present location of the county seat of the county of Kent, who shall meet at such time and place as he may designate, in said county, and after being duly sworn, faithfully and impartially to discharge the duty assigned them; and also, that they are not directly or indirectly interested in the said location, they shall proceed and ascertain whether, in their judgment, it is now located at such place as will most promote the interests of said county, and if not, they shall examine the several places that may be proposed in said county, and shall establish said county seat at such place as they or a majority of them shall consider for the best interest of said county, upon such land as shall be deeded to the county for that purpose: *Provided*, The quantity of land so to be conveyed shall be sufficient for the purposes contemplated by this act.

Sec. 2. Said commissioners shall be allowed the sum of three dollars each, per day for every day necessarily employed as aforesaid, and which shall be paid to him or his order by the treasurer of said

county out of the first moneys which shall come into his hands belonging to the county.

Sec. 3. The commissioners shall transmit a certificate of the location of said county seat to the governor within ten days thereafter, under their hands and seals, and the governor shall thereupon order the same to be recorded in the office of the secretary of state, and said location shall thereupon be the lawfully established county seat for said county, and notice thereof shall be published in the state paper. Comm'r to transmit certificate, &c.

Sec. 4. This act shall take effect from and after its passage.

Approved March 30, 1849.

[No. 171.]

AN ACT to incorporate the North American Health Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Daniel J. Campau, David Smart, Josiah Snow, Charles W. Chapel, William Harsha, Phineas Homan, Dean Swift, Horace N. Perrin, Addison J. Comstock, Levi Bishop, John Wells, J. D. Morton and Harrison Swift, and all others who may become associated with them as stockholders, as hereinafter provided, their successors and assigns forever, be, and they hereby are created and made a body corporate and politic, for the purpose of health insurance, by the name of the "North American health insurance company;" and by that name shall be, and they are empowered to purchase, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded, in all courts in this state; to have and use a common seal, and the same to change, break and renew at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business: *Provided*, They be not repugnant to the laws of the United States, or of this state, or to the provisions of this act of incorporation. Incorporation.

Sec. 2. The capital stock of said corporation may be, and shall not exceed fifty thousand dollars, and shall be divided into shares thereof. Capital and shares thereof.

of twenty dollars each, and there shall be paid into the treasury of said corporation, by each subscriber to said capital stock, at the time of subscribing for the same, an instalment of five dollars on each share of stock by him subscribed for; and a further instalment of five dollars within forty days after the organization of said company; and the remainder of said shares, so subscribed for, shall within forty days after the organization of said company, be paid in gold or silver.

Business of
Co.—issue
of policies,
&c.

Sec. 3. The business of said corporation shall be confined to health insurance, and contracts of insurance may be made on such terms and conditions, and for such periods of time and confined to such persons, as shall be from time to time ordered and provided for under and by virtue of the by-laws of said corporation; and policies may be issued, stipulated to be with or without participation of profits, but all dividends, which shall be declared upon such insurance, or declared to stockholders, which are not claimed and called for within one year after the same have been declared, shall be advertised, for at least four weeks in some newspaper printed in the city of Detroit, and if not demanded within six months after the publication of said notice shall become forfeited to said company.

Office of Co.

Sec. 4. The office of said company shall be located in the city of Detroit, in the state of Michigan, and the stock, property and affairs of said corporation shall be managed and conducted by not less than five, nor more than thirteen directors, (the number of said directors to be determined by the by-laws of said company) to be chosen by ballot from among and by the stockholders; which directors shall hold their offices until the second Monday of May next ensuing their election, and until others are chosen to supply their places; and the annual meeting for the choice of directors shall, after the first election, be holden in the city of Detroit, on the second Monday of May. In the choice of directors as aforesaid, each stockholder present, or represented by his attorney, duly appointed and empowered, shall be allowed one vote for each and every share of stock by him held, and none but stockholders shall be eligible to the office of director; and the stockholders may determine what number of directors may constitute a quorum for the transaction of business.

Directors.

Officers—
their elect'n
term of of-
fice, &c.

Sec. 5. The directors may choose a president, secretary and treasurer of said corporation, and appoint such other officers, clerks and agents, and establish such agencies in this state or elsewhere, as

shall be by them deemed advisable for conducting the business of the said company; fix their compensations and take bonds from any or all of them for the faithful performance of their duties; and make such covenants and agreements as may be deemed necessary. The president shall be chosen from among the directors, and hold his appointment for one year, and until another is chosen; but the other officers and servants of said company may be displaced, and new ones appointed at the pleasure of the directors. In the absence or disability of the president, the directors may choose a president pro tempore, and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy, who shall hold the appointment until others are chosen in their places.

Sec. 6. If it shall so happen that an election of directors of said corporation shall not take place at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby; but an election may be held at any time within one year thereafter; the time to be fixed upon and notice given thereof by the directors last chosen. And public notice, by order of the directors, shall always be given at least ten days previous to any meeting of the stockholders, in a newspaper printed in Detroit, or in such other way as may be deemed expedient: and the president shall have power to call special meetings of the stockholders whenever thereto requested by a majority of the directors.

Sec. 7. The capital stock of said corporation shall be transferable according to the rules and regulations of the company, and if any subscriber of any share or shares of said stock, shall neglect or refuse to pay the instalments as aforesaid, or to secure the payment of the residue of the stock by him subscribed as aforesaid, for the space of sixty days after the same shall have become due or required, and after he or they have been notified thereof, the stock of such negligent stockholder shall be sold by the directors, at public auction, giving at least thirty days notice thereof, in some newspaper printed in Detroit, and the proceeds of said sale shall be first applied in payment of the instalment called for, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Sec. 8. To carry out the provisions of this act, and to organize the said corporation, the said Josiah Snow, Daniel J. Campau and

Failure to elect at annual meeting not to work forfeiture of charter.

Shares of stock transferable, assessments thereon.

Commissioners to receive subscriptions to capital stock.

William Harsha, or either two of them are hereby authorized and appointed to receive subscriptions to the capital stock thereof, and the first instalment thereon, and when nine persons shall have become subscribers to the capital stock of said corporation, they may upon the call of the said Josiah Snow, Daniel J. Campau and William Harsha, or either two of them, meet together at the time and place named in said call, and adopt such rules and regulations as may be necessary or convenient for commencing or carrying on business under this act. They may also at the same time and place, choose a board of directors, in the manner hereinafter provided, who shall hold their offices, with all the powers given to directors by this act, until others are chosen to supply their places. And when the said rules and regulations have been adopted, and the directors chosen as aforesaid, and when the board of directors shall have been organized pursuant to the provisions hereinbefore made, the said corporation shall have full power to insure the health of such persons only as are or may become subscribers to the capital stock, until one hundred shares of said capital stock have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner hereinafter required; but after the said one hundred shares of said stock have been subscribed for and the instalment aforesaid has been paid in, and the residue of said subscription has been secured as aforesaid, the said corporation may exercise all the powers and privileges conferred by this act.

Form of
contracts &
policies.

Sec. 9. All policies of insurance or other contracts authorized by this act, which shall be made and entered into by said corporation, may be either with or without the seal thereof, and shall be subscribed by the president, (or such other officer as shall be designated for the purpose by the by-laws of said corporation,) and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon said corporation, according to the true intent and meaning of such policies and contracts; and all such policies and contracts may be made, signed, executed and attested without the presence of the board of directors, by the president or by a committee of directors previously appointed for that purpose by said board, or by such other person as they may appoint; and the acts of such president, or of such committee or persons appointed, shall be binding and obligatory on said corporation.

Sec. 10. The capital stock, monies and personal estate, of said corporation, may be invested at the discretion of all the directors, ^{Investment of capital.} either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount loaned thereon, or in United States or state stock, or stocks created by any of the United States, or in stocks or bonds of any railroad company in the state of Michigan, or may be loaned upon endorsed promissory notes not having more than twelve months to run; and the same may be called in and reallocated on the like security, as occasion may require.

Sec. 11. The directors of said corporation shall, on the first Monday of May, annually cause a statement to be made, and a balance ^{Annual statement of officers and dividend.} struck of the affairs of said corporation; and if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders a sum equal to six per cent. per annum, on the amount of capital stock actually paid in, if so much remain after paying said losses and expenses, and providing for said risks; and in case of such dividend not being made in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Sec. 12. After providing for risks, losses, incidental expenses and dividends, as specified in the preceding section, one half of the remaining profits, if any, shall be reserved by the directors and applied towards the payment of the capital stock, which shall have been subscribed for before the striking of the balance of the affairs of said corporation, as aforesaid, and the other half of said remaining profits may be divided among the stockholders and the insured. ^{Dividend of surplus profits over six per cent. per annum.}

Sec. 13. After the whole capital stock authorized by this act shall be subscribed for and actually paid in, the stockholders shall be entitled to an annual dividend of six per cent: *Provided*, The net surplus receipts of the corporation, over and above their losses and expenses, shall be sufficient for the purpose; and the residue of said surplus receipts, after paying losses and expenses, may be divided among the stockholders and the insured; but no interest shall be paid or dividends declared either to the stockholders or the insured, whereby the capital stock of said corporation shall be reduced or ^{Dividends after capital is paid in.}

impaired; and if any loss shall happen whereby the capital stock shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said capital stock.

Liability of
stockholders

Sec. 14. The stockholders of this corporation shall be individually liable for all debts incurred by said company: *Provided*, That the corporate property shall be first exhausted, before the private property of any member of said company shall be taken.

Subscribers
to effect in-
surance.

Sec. 15. The directors shall have power to require every person subscribing to the stock of said corporation to effect insurance herein, either upon his own health, or the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation shall have the privilege of subscribing for one share of said stock until the whole number of shares authorized by this act, shall have been taken up; but insurance may be made, and risks taken by said corporation, at the requests of the parties insured, without their becoming stockholders or being entitled to any of the profits thereof.

Suits by
stockholders
on insur-
ance.

Sec. 16. Suits at law may be maintained by any stockholder or person insured, against said corporation, for loss or damages insured against, by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified, and payment thereof demanded, of such loss or damage; and no stockholder or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness therein.

Limitation
of indebted-
ness of Co.

Sec. 17. The indebtedness of said corporation shall not at any time exceed the amount of capital stock authorized to be subscribed by this act. And in case of a failure to organize the said company within one year from the date of the passage of this act, the corporate rights hereby granted shall be deemed to be forfeited.

General pro-
visions.

Sec. 18. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, as far as the same may be applicable.

Duration of
charter—its
amendment,
repeal, &c.

Sec. 19. This act shall take effect and be in force from and after its passage, and continue in force twenty years therefrom. The legislature may at any time alter, amend or repeal this act.

Sec. 20. It shall not be lawful for said company to use their funds, or any part thereof, in any banking or brokerage, or in buying or selling money, or bank notes, or in any other business whatever, except that especially provided for by this act. Restrictions

Approved March 30, 1849.

[No. 172.]

AN ACT to authorize Losina Wilson, widow of Daniel Wilson, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Losina Wilson, widow of Daniel Wilson, late of the county of Oakland, deceased, be and is hereby empowered and authorized to sell at private sale or at public auction, the following lands, to wit: lot number two, (2) in village of Springfield; and a certain lot lying on the Saginaw turnpike in the county of Oakland, deeded by David B. Harrington to said Daniel Wilson the twenty-eighth day of July, eighteen hundred and forty-seven; and the south west quarter of section fifteen in township number three (3) north of range number three (3) east, and containing one hundred and sixty acres according to the United States survey; and on such sale to make all necessary conveyance to any purchaser or purchasers of the same, which conveyance, after being duly acknowledged may be recorded in the registers' office of the counties where the same may be situated: *Provided*, L. Wilson authorized to convey cert'n lands.
The judge of probate in the counties of Oakland and Livingston approve of the sale of said lands and endorse their approval of the sale on the deed conveying said lands. Proviso.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 173.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the boundaries of the village Boundaries of the village of Marshall defin'd

of Marshall, in the county of Calhoun, shall hereafter be as follows, viz: beginning at the south east corner of section twenty-five, in the township of Marshall and county of Calhoun, aforesaid, thence west to the Kalamazoo river, thence westerly along the north branch of said river to the west line of the east half of section twenty-six in said township; thence north along said last mentioned line to the quarter post on the north line of said section twenty six; thence east along said last mentioned line to the north line of section twenty-five of said township to the west line of the township of Marengo, and thence south to the place of beginning.

1st and 2nd
wards.

Sec. 2. The first ward of said village shall hereafter embrace all of said village lying west of the east line of the west half of the west half of section twenty-five in said town, and so much of said village lying east of said line as is embraced between the north line of Monroe street, the west line of Marshall avenue and the Kalamazoo river. And the second ward of said village shall embrace all of said village lying east and north of said first ward.

Power of
com. coun-
cil to levy
taxes re-
stricted.

Sec. 3. The common council of said village shall have power and authority to levy and collect taxes on all the real and personal property within the limits of said village liable to taxation, necessary to defray the expenses thereof, *Provided*, Said taxes so assessed and collected shall not exceed in any one year, one half of one per centum upon the valuation of said real and personal property.

Duties of
street com-
missioners.

Sec. 4. Every street commissioner shall on or before the first Monday of October, in each year, make out and deliver to the common council, a list of all lands of non-residents, and of persons unknown, which are taxed on his list, and upon which the labor assessed has not been paid, and the amount of labor unpaid.

Village
street taxes.

Sec. 5. The common council shall cause the amount of such arrearages of labor, estimating the same at seventy-five cents per day, to be levied on the lands so returned, and to be collected in the same manner as other village taxes are collected. And the same, when collected, shall be paid into the treasury of the village, to be applied by the common council in the construction and improvement of the streets, highways and bridges in the ward, for the benefit of which the labor was originally assessed.

Sec. 6. All process to carry into effect any of the by-laws, ordinances, or regulations of said village, shall be directed to the marshal of the village of Marshall, or to any constable of the county of Calhoun, and may be executed anywhere within said county, and shall be served and returned in the same manner as similar process issued by a justice of the peace is served and returned, and the same fees shall be allowed and taxed as in like cases in a justice court.

Process to be issued by com. court.

Sec. 7. Said corporation shall be allowed the use of the common jail of the county of Calhoun for the imprisonment of all persons liable to imprisonment under the by-laws, ordinances and regulations of said corporation, and all persons committed to said jail, shall be under the charge of the sheriff. The costs and charges made in consequence of such imprisonment shall in no case become a county charge.

Right of village to use of county jail.

Sec. 8. Such portion of the act entitled an act to amend an act to incorporate the village of Marshall and for other purposes, and such portions of all other acts heretofore enacted in regard to said village, contravening the provisions of this act are hereby repealed; but such repeal shall not affect any act already done, right accrued, or proceedings had or commenced by virtue thereof.

Charter amended.

Sec. 5. This act shall take effect from and after the day of its passage.

Approved March 30, 1849.

[No. 174.]

AN ACT to authorize Charlotte Pratt, widow of John W. Pratt, deceased, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charlotte Pratt, widow of the late John W. Pratt, of the county of Oakland, and the guardian or guardians of the minor heirs of the said John W. Pratt, be and they are hereby authorized to sell and convey the following described land, viz: the east half of the south east quarter of section number thirty-one, and the west half of the south west quarter of section number thirty-two, in town number five north of range number eight east; and any deed or deeds executed in accordance herewith, shall be valid and

J. Pratt, as guardian, &c. authorized to convey certain lands.

Provided.

binding as though said heirs were of lawful age and had themselves executed the same: *Provided*, That such conveyance shall be of no force unless approved of by the judge of probate of said county of Oakland, which approval shall be certified on such conveyance under the hand and seal of office of said judge of probate.

Sec. 2. This act shall take effect from and after its passage.

Approved March 30, 1849.

[No. 175.]

AN ACT for the relief of Nancy D. Carter.

N. D. Carter
authorized
to make
payment on
certificates
for school
lands issued
to her hus-
band.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nancy D. Carter widow of the late Siloam S. Carter, be and she is hereby authorized to pay into the state treasury the amount of principal and interest specified in certificate number eighty-three for the sale of lot number seven in block number one hundred and fourteen; and certificate number eighty-four, for the sale of lot number eight in said block number one hundred and fourteen, in the town of Lansing, according to the recorded plat thereof, executed by the commissioner of the land office, to the said Siloam S. Carter.

Issue of pa-
tent on such
payment &
effect there-
of.

Sec. 2. The governor of this state is hereby authorized, on presentation of said certificates with the certificate of the commissioner of the land office endorsed thereon, that the whole amount of the principal and interest therein, has been paid by the said Nancy D. Carter, to sign and cause to be issued a patent for the land described in the said certificates; which patent shall vest in the said Nancy D. Carter, the same title to said lots that the said Siloam S. Carter might have acquired by similar payments were he still living.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 176.]

AN ACT to authorize Eunice James, widow of Solomon James, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eunice James, widow of Solomon James, late deceased, be and she is hereby empowered and authorized to sell at private sale or at public auction, the west half of the south west quarter of section twenty-nine, (29) town six (6) north of range ten (10) east, in the county of Lapeer, and on such sale to make all necessary conveyance to any purchaser or purchasers of the same; which conveyance after being duly acknowledged may be recorded in the register's office of the county where said lands are situated: *Provided*, The judge of probate of the county of Lapeer shall approve of the sale of said lands and endorse his approval of the sale on the deed conveying said land.

E James authorized to convey certain real estate.

Sec. 2. Before the lands mentioned in the first section of this act shall be conveyed, the said Eunice James shall execute and deliver to the judge of probate of the county of Lapeer, a bond with at least two sufficient sureties, conditioned that she will faithfully apply two-thirds of the proceeds thereof for the support, maintenance and education of the minor children of Solomon James, deceased.

Bond to be given for faithful application of proceeds of sale.

Sec. 7. This act shall take effect from and after its passage.

Approved, March 31, 1849.

[No. 177.]

AN ACT to incorporate the "Native Copper Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Horatio Bigelow, Junius Hale, Horace S. Roberts and others who shall become associated with them, are hereby constituted a body corporate by the name of the "Native copper company," for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

Incorporation.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of

Capital and real estate of company.

Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers of
the compa-
ny.

Sec. 3. The officers of said company shall consist of a president, a board of three directors including the president, (who shall be one thereof;) a secretary and treasurer, who may however at the pleasure of the company be one and the same person, and the said company may levy assessments on the shares of its stock and forfeit and sell the same for non-payment of any such assessment in such manner as said company by its by-laws may prescribe: *Provided*, That one of the said directors shall at all times be a citizen and resident of this state, upon whom service of all process against said company may be made, and such service shall be deemed a valid service as against the said Native copper company.

Assessment
on shares,
&c.

State tax &
annual re-
port.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be in lieu of the state tax upon the personal and real estate of said company and shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of Jannary in each year, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which has at any time been borrowed by said company, and any investment of any portion of the net profits of said company in the business of said company shall be considered as so much capital paid in and returned to the state treasurer accordingly.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or any two of them shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of in-
habitants of
this state—
how enfor-
ced, &c.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one

hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. And any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same may be applicable, and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified. General provisions.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan and file in the office of the secretary of state, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 3. This act shall take effect from and after its passage, and continue in force thirty years therefrom. Duration of charter.

Approved March 31, 1849.

[No. 178.]

AN ACT supplementary to an act entitled "an act to establish a State Normal School."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words "the normal school board," wherever mentioned in the act entitled "an act to establish a state normal school," shall be understood and construed to mean the "board of education," as provided in said act. Act amended relative to title of N. S. board.

Sec. 2. The ten sections of salt spring lands to be located by the

N. S. building lands to be reserved from sale, appraised & sold for certificate issued by B. of education.

board of education as the normal school building lands, shall be reserved from sale at the state land office, but may be appraised at the minimum price established, as is now or may be hereafter provided by law in regard to other salt spring lands, and warrants drawn by the auditor general in pursuance of the certificate of the president of the board of education, as provided in section fifteen of the act to which this is supplementary, shall alone be receivable for said ten sections, and no such certificate shall be issued until work shall be done, or services rendered, or buildings erected for the normal school under the direction of the board of education, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose, or for services and expenses of the board or some member thereof, in connection with the selection of the site, or the erection of the normal school buildings.

Lands of N. S. endowment fund subject to sale at land office.

Disposition of principal and interest received on such sale.

Sec. 3. The fifteen sections of salt spring lands appropriated for the normal school endowment fund, shall remain subject to sale at the state land office, as is now or shall be hereafter provided by law; and the principal shall be and remain a perpetual fund for the use of said school; the instalments of principal paid by the purchasers shall be paid into the state treasury, and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest as the time may be, shall be computed by the auditor general and state treasurer, at the close of each fiscal year, at the rate of six per cent. per annum, and together with all interest paid by purchasers of any portion of the fifteen sections aforesaid, shall be passed to the credit of the normal school interest fund, to be drawn therefrom upon the warrant of the auditor general, issued in pursuance of a certificate of the board of education or their president and secretary, that the money is due and payable to the principal of the normal school, or his assistants, or to the members of the board as hereinafter authorized.

Expense of board of education to be paid out of N. S. interest fund.

Sec. 4. The services and expenses of the board of education, after the erection of the necessary buildings and the exhaustion of the ten sections of salt spring lands appropriated for building purposes, shall be paid for out of the normal school interest fund in the same manner, as near as may be, as is required in regard to monies drawn for the payment of the principal or other teachers: and the power conferred upon the president of the board under the

fourth section of the act to which this is supplementary, shall cease and determine whenever the site for the normal school buildings is selected and the contract for the erection thereof shall have been concluded.

Sec. 5. The board of education may in their discretion require any applicant for admission to said school, other than such as shall prior to such admission sign and file with said board a declaration of intention to follow the business of teaching primary schools in this state, to pay or secure to be paid such fees for tuition as to said board shall seem reasonable, any thing in the act to which this is supplementary to the contrary notwithstanding.

Board may fix tuition fees of certain pupils in N. school

Approved March 31, 1849.

[No. 179.]

AN ACT to incorporate the Phoenix Copper Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joseph W. Ward, Richard Pitts and Benjamin Graves and others who shall become associated with them, are hereby constituted a body corporate by the name of "the Phoenix copper company," for the purpose of mining, smelting and manufacturing ores, minerals and metals, and business connected therewith in the state of Michigan.

Incorporation.

Sec. 2. The said company shall have corporate succession, and its capital stock shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan as the business of said company may require, to an amount not exceeding the above named capital stock of said company.

Capital, shares and real estate of company.

Sec. 3. The officers of said company shall consist of a president, a board of five directors including the president, who shall be one thereof, a secretary and treasurer, who may however, at the pleasure of the company, be one and the same person; and the company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That one of the said directors shall at all times be a citizen and resident of the

Officers of Co., assessment on shares, &c.

Service of process on company. state of Michigan, upon whom service of all process against said company may be made, and such service shall be deemed a valid service on the said Phoenix copper company.

State tax & annual report. Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be estimated upon the last preceding report of said company, and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days thereafter, make under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; and said state tax shall be in lieu of all other taxes upon all the personal property of said company, and in lieu of all state tax upon the real estate of said company; and any investment of any portion of the net profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the state treasurer accordingly.

Amendment repeal, &c. Sec. 5. The legislature may, at any time, alter, amend or repeal this act.

1st meeting. Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting, and all subsequent meetings of the stockholders and directors shall be held at such times and places as they by their by-laws may direct.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five, title ten, of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable, and not inconsistent with the provisions of this act.

Lien of inhabitants of this state. Sec. 8. The inhabitants of this state shall have a lien upon the stock, appurtenances and entire stock of said company, for all claims and demands not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages, against said company.

Sec. 9. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state a certificate specifying the place of such location. Business office.

Sec. 10. This act shall take effect from and after its passage, and shall continue for thirty years from such passage: *Provided*, That nothing herein contained be construed to authorize said company to use or exercise any banking power, or banking privileges whatever. Duration of charter—restrictions on company.

Approved March 31, 1849.

[No. 180.]

AN ACT to incorporate the Michigan State Agricultural Society.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all persons who now are, or may hereafter become associated for the purposes of this act, are hereby constituted a body corporate by the name of "the Michigan state agricultural society," for the purpose of promoting the improvement of agriculture and its kindred arts. Incorporation.

Sec. 2. For the purposes aforesaid, the society shall possess the general powers and privileges, and be subject to the general liabilities contained in chapter fifty-five, title ten of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable and have not been modified or repealed; but the real and personal estate which the said society shall be authorized to take, hold, and convey, over and above its library and its scientific and agricultural collections, shall not, at any time, exceed in amount the value of twenty thousand dollars. Powers and privileges of corporation.

Sec. 3. It shall be the duty of the Michigan state agricultural society to transmit to the president of the senate, for the use of the legislature, in the month of January, annually, a report and statement of its proceedings, specifying the nature of the encouragement proposed by it, and the object for which, and persons to whom, premiums have been awarded; embracing also such accurate details of the modes of cultivation, of keeping stock, and of other important incidents, as will acquaint farmers and others with the precise manner in which the valuable results recorded can be again obtained. Annual report of society.

ed; and presenting such other matter as the society may judge most useful in promoting a greater and more general progress in practical agriculture.

Sec. 4. This act shall take effect immediately.

Approved March 31, 1849.

[No. 181.]

AN ACT to repeal the sixteenth section of "an act to amend the Revised Statutes of eighteen hundred and forty-six," approved April 3d, eighteen hundred and forty-eight.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section sixteen of "an act to amend the revised statutes of eighteen hundred and forty-six," approved April third, eighteen hundred and forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 182.]

AN ACT to incorporate the Galesburgh and Grand Rapids Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That David Ford, Sylvester W. Mills, Elnathan Judson, William Lewis and Chauncey W. Calkins, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Galesburgh and Grand Rapids plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Galesburgh and Grand Rapids plank road company.

Route of
road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Galesburgh, in the county of Kala-

mazoo, on the most eligible route to the village of Grand Rapids, in the county of Kent.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, with a corresponding increase of the number of shares. Capital.

Sec. 4. This act shall be and remain in force for the term of fifty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company. Duration of charter—its amendment, repeal, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 183.]

AN ACT to enlarge the powers and increase the number of officers in school districts in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section ninety-two of chapter fifty-eight of the revised statutes, relating to primary schools, be amended by adding thereto the following provisions: Sec 92 chap 58 R S amended.

"1. In districts containing more than one hundred scholars between the ages of four and eighteen years, the district board may be enlarged by adding thereto four trustees: *Provided*, The district determine to do so, by a two-third vote, at any annual meeting.

2. The additional trustees first elected, shall serve severally, one, two, three and four years, to be determined by lot, immediately on

filing their certificate of acceptance with the director. After the first election, each trustee elected shall serve four years.

3. All vacancies that may occur in the office of trustee shall be filled according to existing provisions for filling vacancies in the district board.

4. Rate bills shall be collected, and all moneys shall be drawn and applied according to existing provisions of law, but in the employment of teachers the director shall have the approval of the moderator or assessor according to provisions of law heretofore existing, and of at least two of the trustees; and the authority to classify pupils in such cases shall be transferred from the school inspectors to the enlarged district board.

5. The boundaries of districts that may avail themselves of this act shall not be enlarged without the written approval of a majority of the enlarged district board."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 184.]

AN ACT to repeal section two of an act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, approved March seventh, A. D., one thousand eighteen hundred and forty-seven.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled "an act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, approved March seventeenth, A. D., one thousand eight hundred and forty-seven, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 185.]

AN ACT to define and amend the eighth subdivision of section twenty-seven, of chapter one hundred and six of the Revised Statutes of one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the eighth subdivision of section twenty-seven of chapter one hundred and six of the revised statutes of one thousand eight hundred and forty six, be amended by adding to the end thereof the following: "The word team in this subdivision shall be construed to mean, either one yoke of oxen, a horse, or a pair of horses, as the case may be." Sec 27 chap 106 R. S. amended.

Sec. 2. The property exempted in the subdivision of which this act is amendatory, excepting mechanical tools and implements of husbandry, shall not be exempt from any execution issued upon a judgment rendered for the purchase money for the same property. Rd.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 186.]

AN ACT to vacate the plat of the Village of the Lake, in the county of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the plat of the Village of the Lake, in the county of Washtenaw, be and the same is hereby vacated. Village plat vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 187.]

AN ACT to lay out a State Road in the County of Ottawa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Walton, Lyman Williams, jr. and William M. Ferry, jr., be and they are Commissioners to lay out a certain state road.

hereby authorized to lay out and establish a state road beginning at the north bank of Grand river, on lot number three, upon section sixteen, town eight north of range sixteen west, to the south border of Muskegon lake, on section nineteen, town ten north of range sixteen west.

Comm'r to
lay out state
road.

Sec. 2. That George W. Walton, John A. Brooks and Isaac D. Merrill, be, and they are hereby authorized to lay out and establish a state road from the forks of the Muskegon river, in the county of Newaygo, to the head of Muskegon lake, in the county of Ottawa, to be terminated on section nineteen, town ten north of range sixteen west.

Duties of
said com'rs
and of cer-
tain town-
ship clerks.

Sec. 3. The above commissioners shall file so much of the survey of the above mentioned roads in the office of the township clerk of each township through which the said roads shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law: *Provided*, The decision of the said commissioners in regard to laying of said roads may be appealed from as in case of the laying out of roads by the highway commissioners of the several townships.

Duties of
highway
comm'rs.

Sec. 4. That it shall be the duty of the commissioners of highways in the several townships through which said roads may pass, to open and work said roads in the same manner and by virtue of the same laws as township roads are required to be opened and worked.

State not
liable for
any dama-
ges or ex-
penses of the
road

Sec. 5. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 188.]

AN ACT to provide for laying out a State Road from Ohio, north to the village of Hudson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Franklin Goodell, T. C. Sawyer and E. R. Parmelee, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road from the state line between the states of Ohio and Michigan, commencing at a point where the county line between the counties of Lenawee and Hillsdale intersects the said state line, thence in a northerly direction on or near said county line to the village of Hudson, in the county of Lenawee. Comm'r's to lay out state road.

Sec. 2. The above named commissioners shall file so much of a survey or description of the said road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such township; and it shall be the duty of the several township clerks to record the same in their respective township books, and when the same shall be so recorded the said road shall be deemed to be laid out and established. Duties of said comm'r's and of certain town clerks.

Sec. 3. It shall be the duty of each township clerk aforesaid to notify the supervisor of each township through which the said road shall pass of the fact contained in the record; said notice shall be given within ten days from the time the survey or description of the road shall be so forwarded to the clerks aforesaid. Duty of town clerk to notify supervisor, &c.

Sec. 4. It shall be the duty of the supervisor of each township, when the tax roll for the township shall next be made out for the said township, to assess the land opposite and adjoining said road, in his township, one mile from the county line, east or west, as the case may be, and land north of said village eighty rods, at the rate of five mills on the dollar; and said tax shall be collected in the same manner as township, county and state taxes are, and be subject to the same laws, in all respects. The lands assessed and returned as non-resident lands, shall be subject to sale in the same manner, and shall not for the purposes of collection, return or sale, be separated in any manner from the township, county and state tax. Duty of supervisor to assess certain taxes.

Sec. 5. The tax so collected shall be paid over by the collector of each township to one of the said commissioners, upon an order Appropriation and expenditure of proceeds of tax.

signed by a majority of the said commissioners, at any time after the same has been collected. And the said commissioners shall have power, and it shall be their duty to employ hands to work on said road, or to let the work out upon contract in such jobs, at such times and in such manner as the commissioners, or a majority of them, may direct.

Compensation of commissioners. Sec. 6. The said commissioners shall receive out of the said money so paid in, the sum of two dollars per day for each full day, and shall pay out of the money so collected the fees for recording the said survey or description required by this act.

Tax to be continued for 3 years. Sec. 7. The said tax shall be levied and collected and disposed of as aforesaid for the term of three years, and in case of death, removal, sickness, or for any other cause, one or more of said commissioners shall be unable, or shall refuse or neglect to act, the commissioner or commissioners remaining shall have full power to supply by appointment other commissioners to fill the said vacancies that may occur; and in case any such appointments shall be made, the fact shall be certified and filed in the said offices as aforesaid.

Neglect of commiss'r to discharge duties, a misdemeanor, &c. Sec. 8. In case the acting commissioner or commissioners shall refuse to use the said money or pay the same out for the purposes contemplated in this act, they shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, in the discretion of the court.

Duties of H. commiss'rs of Wright. Sec. 9. The highway commissioners of the township of Wright, in the county of Hillsdale, may, at their discretion, apply the non-resident highway tax of said township on any road they may deem to be for the best interest of the inhabitants of said township.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 189.]

AN ACT relative to the admission of Attorneys, Solicitors and Counsellors.

Admission of attorneys &c., in circuit courts. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any circuit court may grant to

any citizen of this state, of good moral character, and of the age of twenty-one years, a license to practice as an attorney and counselor at law, and solicitor and counsellor in chancery, upon an examination at any regular term of such court, in the presence of the circuit judge, in open court, when satisfied that the applicant possesses sufficient legal learning and ability to discharge the duties of such office.

Approved March 31, 1849.

[No. 190.]

AN ACT to authorize the Cotton Wood Swamp turnpike company, to lay out and construct a certain plank road and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Cotton Wood Swamp turnpike company are hereby authorized and empowered to lay out and construct a plank road, with all necessary buildings, on the north side of Ottawa lake, from the head thereof to the state line of Ohio. Plank road authorized.

Sec. 2. The said company are hereby authorized to appoint three commissioners to receive subscriptions to the capital stock of said company, which shall be twenty thousand dollars in addition to the present capital stock of said company, divided into eight hundred shares of twenty-five dollars each. Capital and subscribers thereto.

Sec. 3. This act shall be and remain in force for the term of six years from and after its passage, but the legislature may at any time, alter amend or repeal this act, by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company, of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company on said plank road shall be made during its existence, unless the yearly net profits of said company on said plank road, over and above all expenses, shall exceed ten per cent. on the capital invested on said plank road, provided there be no violation of the provisions of this act. Duration of charter,—its amendment, repeal, &c.

General provisions.

Sec. 4. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty eight, shall be and are made a part of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 191.]

AN ACT to provide for laying out and establishing a certain state road, in the counties of Oakland and Genesee.

Commrs to lay out certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eliem M. White, of Milford, David G. Servis, of Highland, and Oliver Palmer, of Atlas, be, and are hereby appointed commissioners to lay out and establish a state road, from the villages of Milford, in the county of Oakland, on the most eligible route through the township of Highland, then on the most direct and eligible route to Davidsonville, in the county of Genesee, and who shall cause the survey bill of the same to be filed for record in the office of the several township clerks of the townships, through which the same shall be laid out, on or before the first day of May next.

Appropriation of N. R. highway taxes.

Sec. 2. For the purpose of improving said road, there shall be appropriated all such of the non-resident highway taxes of the year eighteen hundred and forty-eight, and for five years thereafter, as may be collected upon any legal subdivision of land, an equal or the greater part of which shall be within the two lines running parallel with said road two miles each way from the centre of said road in the townships through which it may be laid out, except in the county of Genesee, and excepting also such pieces of land, the taxes whereof have been appropriated for the improvement of the Pontiac and Grand river road.

Spec'l commiss'r to be appointed—his powers, &c.

Sec. 3. A special commissioner shall be appointed by the governor, who in expending all moneys which may become subject to his control by the provisions of this act, shall be governed by the same laws as far as they are applicable, as are now or may hereafter be in operation, for the government of township highway commissioners.

Sec. 4. It shall be the duty of said special commissioner before entering upon the duties of his office, to take and subscribe an oath to faithfully perform said duties, and also to file in the office of the county treasurer of Oakland county, a bond in the penal sum of one thousand dollars, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurer to prosecute the same, in the manner prescribed by law for the prosecution of bonds against county officers.

Oath & bond of comm'r.

Sec. 5. It shall be the duty of said special commissioner, on or before the first day of June next, to make out a list of non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Milford and Davidsonville state road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office, for non-resident highway taxes upon any of the lands described in said list, and charge said fund with all moneys drawn by said special commissioner.

Duty of commissioner in making lists of lands, &c.

Sec. 6. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer, who shall pay the same from any moneys in his hands standing to the credit of said state road fund.

Payment of contract on and others.

Sec. 7. The said special commissioner shall be entitled to receive as compensation for any services rendered in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions, and his accounts for such time, verified by his oath, shall be audited by the boards of supervisors of the county of Oakland, and shall be paid from any moneys standing to the credit of said fund.

Compensation of commissioner.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 192.]

AN ACT appropriating certain non-resident highway taxes for the improvement of the Pontiac and Grand River road.

Certain taxes appropriated. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving that part of the Pontiac and Grand river road which lies within the county of Oakland, there shall be appropriated* all of the non-resident highway taxes for the year eighteen hundred and forty-eight, and for five years thereafter, within said county, two miles each way from the center of said road: *Provided*, That if any lot or description, not exceeding eighty acres of land, (owned by non-residents as aforesaid) shall be partially embraced within said limits and extend beyond said two miles, such highway taxes upon said description shall be deemed appropriated as aforesaid.

Special commissioner—his appointment, powers, &c. Sec. 2. A special commissioner shall be appointed by the governor, who, in expending all moneys which may be subject to his control by virtue of the provisions of this act, shall be governed by the same laws, as far they are applicable, as are now or may hereafter be in operation for the government of township highway commissioners.

Comm'r to file oath and bond. Sec. 3. Said special commissioner shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully perform the same, and also file in the office of the county treasurer of said county a bond to such treasurer, his successors in office, in the penal sum of one thousand dollars, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, which bond, in case of a violation thereof, shall be prosecuted by said treasurer in the manner prescribed by law for the prosecution of bonds against county officers.

List of lands to be made out & fil'd by commissioner. Sec. 4. It shall be the duty of such special commissioner, on or before the first day of June next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer of said county, who shall thereupon open an account with the Pontiac and Grand river road fund, and credit to said fund all moneys which may be in his hands, or may be hereafter paid into his office for non-resident highway taxes upon

any of the lands described in said list, and charge said fund with all moneys drawn by said special commissioner.

Sec. 5. It shall further be the duty of said special commissioner ^{Payment of} to give his certificate of the amount due to any person who may be ^{contractors,} entitled to the same in payment for labor performed or materials ^{&c.} furnished for the improvement of said road and upon the presentation thereof, the county treasurer shall pay the same from any moneys standing to the credit of said fund.

Sec. 6. The said special commissioner shall be entitled to re- ^{Compensation} ceive as compensation for any services rendered in discharge of ^{of commissioner.} the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions thereof, and his accounts for such time, verified by his oath, shall be audited by the board of supervisor of said county, and shall be paid by the county treasurer from any money standing to the credit of said fund.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 193.]

AN ACT in relation to school district number six, in the township of Barry, in the county of Barry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the sum of sixty dollars voted ^{Vote for cer-} to be raised in school district number six, in the township of Barry, ^{tain tax le-} in the county of Barry, on the thirteenth day of September, eighteen ^{galized.} hundred and forty-eight, for the purpose of building a school house in said district, shall be binding and valid, in all respects, for the purposes for which it was intended.

Sec. 2. That the inhabitants of said district who shall not at the time this act takes effect have paid their rateable proportions of said sum so raised, shall pay the same to the township treasurer during ^{Assessment} the time now allowed by law for collecting the taxes for the year ^{of such tax} 1849, which proportions shall be certified by the clerk of said town- ^{by township} ship previous to the first day of October next, to the supervisor of ^{officers.} said township and by the supervisor assessed upon the taxable prop-

AN ACT appropriating improvement

Certain tax-
es appropri-
ated.

Section 1. *Be it*
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Special
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Sec. 2.
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Comm'r to
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Sec.
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List of
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Sec. 2. In the counties of Chippewa, Houghton and Mackinac, appeals under the provisions of said chapter one hundred and twenty-three shall be taken to the county court for such counties respectively. Appeals in forcible entry and detainer in certain cases.

Approved March 31, 1849.

[No. 196.]

AN ACT to revive and continue in force, an act entitled "An act to incorporate the Peninsular Mutual Fire and Marine Insurance company," approved March 12, 1844, under the name and style of the "Detroit Fire and Marine Insurance Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to incorporate the Peninsular mutual fire and marine insurance company," approved March 12, 1844, be, and the same is hereby revived and continued in force, as hereinafter amended. Act amended.

Sec. 2. That the title of said act shall be amended by striking out the words "Peninsular mutual," and inserting the word "Detroit," in lieu thereof, so that the title to said act as amended, shall read as follows: "an act to incorporate the Detroit fire and marine insurance company." Detroit Fire and Marine Insurance company.

Sec. 3. That section one of said act shall be amended by striking out the words "Peninsular mutual," in said section, and inserting the word "Detroit," in lieu thereof. Act amended.

Sec. 4. That section six of said act be amended by striking out in the third and fourth lines the words "Benjamin B. Kercheval, Elon Farnsworth, Douglass Houghton, Lansing B. Mizner, and Wesley Truesdail," and inserting "Charles Howard, Henry Ledyard, Charles C. Trowbridge, Z. Chandler, Frederick Buhl, John Owen and Shubael Conant," in lieu thereof. Ibid.

Sec. 5. That section eighteen of said act be amended by adding thereto the following, "or in the bonds of the Michigan central rail road company." Ibid.

Sec. 6. That section twenty-four of said act be amended by striking out of the first line of said section the word "twenty," and inserting the word "forty" in lieu thereof. Ibid.

Sec. 7. That the period for the organization of said company be and the same is hereby extended to thirty days from the passage of this act.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 197.]

AN ACT in aid of the Michigan State Agricultural Society.

Appropriation of \$400 per annum to state Ag. society on certain conditions. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That when the treasurer of the Michigan state agricultural society shall make and subscribe an affidavit of the fact that such society has raised the sum of four hundred dollars by voluntary subscriptions, or by fees for memberships, and shall present the same to the auditor general, it shall be the duty of the auditor general to draw his warrant on the treasurer, for a like sum of four hundred dollars, to be paid to the said treasurer of the Michigan state agricultural society, at least ten days prior to the time which shall be appointed for the first annual meeting and fair of said society, and a like appropriation is hereby made to be paid in like manner and upon the same conditions, during each year for the term of five years including the year now present.

Duties of officers of society concerning premiums, &c. Sec. 2. It shall be the duty of such officers of the Michigan state agricultural society, as it may elect for that purpose, annually to regulate and award premiums on such articles, productions and improvements, as they may deem best calculated to promote the agricultural and household manufacturing interests of the state, having special reference to the most economical or profitable mode of competition in raising the crop or stock, or in the fabrication of the article offered: *Provided always,* That before any premium shall be delivered, the person claiming the same, or to whom the same shall be awarded, shall deliver to the president of the society, in writing, an accurate statement and description, verified in such manner as the officers aforesaid may direct, of the character of the soil, and the process of preparing it, including the quantity of manure applied in raising the crop, or the kind and quantity of food in feeding the animal, as the case may be, also the kind and cost of labor employed, and the total expense and total product of the crop,

or the increase in value of the animal, with a view of showing accurately the resulting profit.

Sec. 3. This act shall take effect immediately.

Approved March 31, 1849.

[No. 198.]

AN ACT to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of Commissioners to expend the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the road leading from Lower Saginaw, in Saginaw county, by way of Frankenlust on the Squaquaning creek, to Saginaw City, thence by way of Frankenrost to Frankenmut, in Saginaw county, there is hereby appropriated to be expended, as hereinafter provided, the unexpended highway tax which was assessed for the year eighteen hundred and forty eight, and all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of two miles each way from the centre thereof: *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid.

Certain N
R highway
taxes appro-
priated on
certain
roads.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor is hereby authorized to appoint two special commissioners, one for so much of said road as leads from Lower Saginaw, by way of Frankenlust to Saginaw city, and one for so much of said road as leads from Saginaw city, by way of Frankenrost to Frankenmut, and said special commissioners, in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners: and each of said special commissioners, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the du-

Special
commis'srs—
their duties,
&c.

ties herein assigned him, and file the same in the office of the county clerk of his county.

List of the non-resident lands to be made by comm'rs.

Sec. 3. It shall be the duty of each of said special commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of that portion of the road for which he was appointed, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German colony road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the special commissioner, in pursuance of the provisions of the next section of this act.

Payment of contractors, &c.

Sec. 4. It shall be the duty of each of said special commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the German colony road fund, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to that portion of said fund which is derived from the taxes which come under the provisions of this act, upon the line of that portion of the road under that special commissioner's separate charge.

Compensation of commissioners.

Sec. 5. Each of said special commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him, in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Saginaw county, and shall be paid out of any moneys belonging to his portion of the German colony road fund in the treasury of that county.

Vacancies.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 199.]

AN ACT for the relief of David A. Wright and James M. Tefft.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the circuit court for the county of Oakland, shall have power to decree a divorce from the bonds of matrimony in the case of David A. Wright, a citizen of this state and a resident of the county of Oakland, under the provisions of chapter eighty-four of the revised statutes of eighteen hundred and forty-six, whenever it shall be made to appear to said court, that Mary D. Wright, the wife of the said David A. Wright, since her marriage, has become incurably and hopelessly insane.

Sec. 2. The petition, or bill of divorce exhibited on the part of the said David A. Wright, to the said circuit court, under the provisions of this act, shall set forth the full amount and value of his property, both real and personal, and proof shall be made thereon before the master to whom the same may be referred; and the court upon the final hearing of the said cause may make such order and decree concerning the future support and maintenance of the said Mary D., as shall seem just and equitable, and decree a divorce from the said bonds of matrimony, providing it shall be made to appear that the said Mary D. has been insane for the last eight consecutive years immediately preceding such application.

Sec. 3. The circuit court for the county of St. Joseph is hereby authorized to grant a divorce from the bonds of matrimony, to James M. Tefft, from his wife Sally Tefft, under the provisions of chapter eighty-four of the revised statutes of eighteen hundred and forty-six: *Provided*, It shall be made to appear satisfactorily to said court, that said Sally Tefft has been for the term of five years next preceding the time of filing the petition or bill, and still is, hopelessly and incurably insane.

Sec. 4. The bill or petition filed under the provisions of the preceding section shall set forth the full amount and value of the property, real and personal, of the petitioner, and he shall make proof thereof before the master to whom the same may be referred, and the court, upon the final hearing of the cause, may make such order and decree concerning the future support and maintenance of the said Sally Tefft, as shall seem just and equitable.

C. court of Oakland authorized to grant divorces in certain case of insanity.

Petitioner to set forth amount of property & court to award suitable maintenance therefrom to his wife.

C. court to of St. Joseph authorized to grant divorce in certain case of insanity.

Petitioner to set forth amount of his property and court to award maintenance of wife therefrom.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 200.]

AN ACT to authorize township boards to raise money in certain cases to defray township expenses.

Township boards to raise money for town purposes when township meeting have neglected to do so.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That wherever the qualified electors of any township, at the annual township meeting shall neglect or refuse to vote such sum or sums of money as may be necessary to defray the ordinary township expenses, the township board of any such township is hereby authorized, at any regular meeting, to vote such sum or sums as may be necessary for that purpose, not exceeding such amounts as are or may be limited by law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 201.]

AN ACT to amend an act entitled "an act to incorporate the village of Tecumseh."

West boundary of village of Tecumseh altered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the western limits of said village be so altered as to exclude from the village the east half of the north west quarter of section thirty-three, in town five south, of range four east; also the west half of the south east quarter of section twenty-eight, in town five south of range four east; also, blocks one, two, three and four of William H. Hoag's addition to the village of Tecumseh.

Sec. 7. This act shall be in force from and after its passage.

Approved March 31, 1849.

[No. 202.]

AN ACT to authorize Mary Ann Miller to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Mary Ann Miller of the township of Atlas in the county of Genesee, be and she is hereby authorized to sell and convey certain lands contracted for, during the life time of her husband, in the county of Genesee: *Provided*, It shall be made to appear to the satisfaction of the judge of probate for the county aforesaid that the contract so made is a valid one, and that said conveyance when made is just and legal.

M. A. Miller
authorized
to convey
real estate.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 203.]

AN ACT to improve the navigation of the St. Joseph river, and to incorporate the Niles Hydraulic and Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James L. Glen, R. C. Paine and Wm. H. McCourter, with such other persons as shall associate with them, shall be and they are hereby created a body politic and corporate, by the name of the "Niles hydraulic and manufacturing company."

Incorporation.

Sec. 2. The capital stock of said company, shall be thirty thousand dollars in shares of twenty-five dollars each, which shall be considered personal property, and transferable according to the by-laws of the company.

Capital.

Sec. 3. The business and concerns of said company shall be managed by five directors, one of whom shall be chosen president, and all shall be stockholders in said company; they shall be elected annually on the first Monday of May, by the stockholders in person or by proxy, and each share of stock shall be entitled to one vote, and vacancies in the direction may be filled for the remainder of the year by the residue of the directors.

Officers of
company.

Sec. 4. At least twenty days notice of the time and place of holding the election shall be given, by publication in one or more

Election
notice
thereof.

papers printed in Niles. The voting shall be by ballot and the persons named in the first section of this act shall be the inspectors of the first election, and after that, the directors in office, or a majority of them.

Books of subscription and distribution of stock.

Sec. 5. The persons named in the first section of this act shall, after twenty days notice given by publication in one or more papers printed in Niles, proceed to open books for subscription to the capital stock of said company, and shall continue them open for three days, or until the whole amount is subscribed, and shall immediately thereafter proceed to apportion said stock among the subscribers, giving to each subscriber for five shares or less, the full amount of his subscription, provided this does not exceed the whole number of shares, in which case the stock shall be divided *pro rata*, but every subscriber shall be allotted at least one share.

Instalments on stock and power of directors.

Sec. 6. The directors of said company shall have power to call on the subscribers for payment of their stock in such instalments as they may deem necessary; to sue for and collect such subscriptions or to declare the stock and all previous payments forfeit for non-payment of instalments at their option. They shall have power to choose such officers to manage and superintend their business, as in their opinion may be for the interest of the company, and to enact by-laws for the better protection and management of the affairs of the company, all of which shall be binding on the stockholders.

Proceedings in case of failure to elect officers at annual meeting.

Sec. 7. In case of failure to hold the annual election at the time mentioned in section three, it may be held at any subsequent time by giving notice as required, without any forfeiture of the privileges of the company, and the directors in office shall hold over until their successors are appointed.

Co. to erect and maintain a certain dam on St. Joseph river.

Sec. 8. The corporation hereby created is required within two years from the passage of this act, to improve the navigation of St. Joseph river at or near the village of Niles, by the erection and maintenance of a dam in said river and by a canal and lock, to be located at such place near said village as the directors may deem proper, and to be so created and constructed as to make a passage for boats and other craft navigating said river, either by canal and lock, or slack water navigation, or both, over "Niles riffle," "Salt riffle" and "Grand dad riffle," and at all times to keep said dam, canal and lock in a condition to pass, without un-

necessary delay, all such boats and other craft, free of expense to the owners thereof. It shall be the duty of the owners of said dam at all times to keep said lock in repair and to pass any water craft through the said lock free of toll and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owners the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit.

Sec. 9. The corporation shall have power to purchase, take and hold by gift, grant or otherwise, a sufficient quantity of real estate not exceeding ten thousand dollars in cost, as may be deemed necessary for the convenient and necessary use of the water power created by the erection of said dam, and may sell, lease or otherwise dispose of the water, or may, at their option, employ the whole in manufacturing purposes for the benefit of the corporation; and the whole of the water power so created, and the right to use the same, shall forever be vested in and become the property of the company.

Sec. 10. The said directors shall have power to contract with the owner or owners of any land which may be flowed by reason of the erection of said dam, and to pay such owner or owners the damages they may sustain by reason thereof, and in case of disagreement between the directors and any such owners of lands, the said damages shall be ascertained as follows: the parties shall each choose some disinterested person, who shall be a freeholder, and the persons so chosen, shall select a third, who shall also be a freeholder, who shall be sworn fairly and impartially to appraise the same. If a majority of the appraisers cannot agree, or if any person shall neglect or refuse to join in such appointment within twenty days after requisition made upon him for such purpose, or if the owner of the land shall be a married woman, under age, insane or out of the state, or if the appraisers chosen as aforesaid, or a majority of them, shall not within twenty days after receiving notice of their appointment, file a report of their estimate with the clerk of the county, then, and in either of these cases, either of the parties may apply to the county court of said county.

Sec. 11. On such application, the said court shall award a venire, directed to the sheriff, requiring him to summon a jury of twelve

Real estate
of company.

Proceedings
where lands
of others are
flowed by
company.

Jury of in-
quest of
damages.

disinterested men, in order to ascertain and report to said court under their oaths, what damages, if any, have been sustained by the owner or owners of land so flowed, which sum being approved by the court, judgment shall be entered thereon, and execution may issue in case of non-payment, for the sum awarded, with costs to be assessed by the court.

Mode of as-
sessing
damages.

Sec. 12. It shall be the duty of the appraisers, or of the jury, as the case may be, in valuing lands and property, and in estimating the damages thereto, to take into consideration the advantages derived to the owner or owners, from the erection of the dam, and the creation of the water power, and to assess them accordingly.

Appeal from
report of
appraisers.

Sec. 13. It shall be lawful for any person feeling aggrieved by the report of the appraisers, to appeal to the county court within thirty days from the time of filing such report. The said court shall proceed to hear and determine such appeal, and shall vacate said appointment, modify or confirm the same, as shall be just, and the decision of said court thereon shall be final and conclusive.

General pro-
visions.

Sec 14. Said corporation shall be subject to the provisions, and enjoy the privileges provided for in chapter fifty-five, in title ten, of the revised statutes.

Approved March 31, 1849.

[No. 204.]

AN ACT to incorporate the Farmers' and Merchants' bank of Ann Arbor.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Volney Chapin, Elijah W. Morgan, William S. Maynard, George Ward, William R. Perry and James Kingsley and their associates and successors, be and the same are hereby constituted a body politic and corporate, under the name of the president, directors and company of the Farmers' and Merchants' bank of Ann Arbor, for the purpose of exercising and transacting the business of banking, and the said corporation shall have its office and place of business at the village of Ann Arbor, in the

state of Michigan, and shall continue for the period of twenty-five years from the passage of this act.

Sec. 2. Said corporation shall have a board of directors, not less than five nor more than thirteen in number, one of whom shall be president of the bank, and may also have such other officers as the by-laws may provide for. The first board of directors shall be the said Volney Chapin, Elijah W. Morgan, William S. Maynard, George Ward, William R. Perry and James Kingsley. Said board of directors shall have such power touching the management and conduct of said bank as shall be conferred on them by the by-laws of said corporation consistent with the provisions of this act. Said board, as well as the president of the bank, shall be elected annually by the stockholders of said bank, on the first Monday of June in each year, but in case of an omission to elect on said day, it shall be lawful to hold the election subsequently on such other day as the by-laws may provide; and the officers for the previous year shall continue to discharge their duties until such subsequent election is held.

Officers of company.

Election of officers.

Sec. 3. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each. Each share of stock shall be entitled to one vote, and stockholders may vote by proxy.

Capital and shares thereof

Sec. 4. Said corporation shall not directly or indirectly deal or trade in any thing except gold and silver, bills of exchange, or promissory notes, or except in the sale of such goods and chattels, rights in action, or other personalities as may be really and truly pledged or hypothecated to the bank in security for money loaned, and which shall not be legally redeemed in due time; and said corporation shall not take more than at the rate of seven per cent. per annum discount upon its loans.

Business of company restricted.

Sec. 5. Said corporation may receive deposits, make loans, grant bills of exchange, issue its own notes payable on demand at its office in the lawful currency of the United States, and transact all other business incident and essential thereto: *Provided*, That it shall not be lawful for said corporation to issue any note of a less denomination than one dollar, nor any note which has not been duly countersigned and registered in the office of the state treasurer

Banking powers defined—issue of notes.

of this state, as hereinafter provided: *Provided further*, That said bank shall not pay out or put in circulation the bills or notes of other banks, which are not, at the time of such paying out, at par in the city of Detroit.

Deposit of
state stocks,
and issue of
bills there-
upon.

Sec. 6. Said corporation shall deposit with the state treasurer of this state any stocks of the United States of America, the state of New York, or six per cent. stocks of the state of Michigan, on which interest is paid, which stocks shall be estimated and received at their market value in the city of New York when so received, and for the amount of stock so deposited, the state treasurer shall countersign and register an equal amount of the notes of said corporation of such denomination, not less than one dollar, as said corporation may desire, and deliver the same to said corporation, and on such notes so delivered shall be written, printed, or engraved, the words "countersigned and registered in the state treasurer's office, and secured by pledge of stock," with the signature of the state treasurer written beneath the same; and the state treasurer shall keep a register of all notes so countersigned and delivered, showing the number and denomination of each note and the date of delivery of the same. To entitle the stockholders to the benefit of this act there shall be deposited with the state treasurer, of the stocks aforesaid, fifty thousand dollars on or before the first day of January next, and the amount of stock so deposited shall not at any time thereafter be less than fifty thousand dollars.

Proceedings
and duty of
state treasurer
in case
of failure of
bank to re-
deem issues.

Sec. 7. If said corporation shall at any time, or under any pretence, refuse on demand at its office, during the usual and regular banking hours, to pay any of its notes in the lawful currency of the United States of America, the holder of said note may make and file his affidavit of that fact with the state treasurer, who shall thereupon give public notice, that the notes of said bank will be redeemed at his office, and that the said treasurer is authorized and required to sell at public auction or private sale, within twenty days, so much of any stock deposited with him as shall be necessary to redeem any notes of said bank, and apply the proceeds of said stock in the redemption of such notes: no stock shall be sold at private sale for less than the par value thereof, nor less than the market value in the city of New York at the time of such sale, nor shall stock be sold on credit: and for any deficiency in the sale of said

stocks to pay the holders of its notes, the directors and stockholders shall be individually liable. The treasurer shall pay the full amount of notes or bills out of any money he may receive, whether from the sale of stocks or other assets of said bank, or from the receiver or receivers, and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of the stockholders upon their individual liability.

Sec. 8. Said corporation may acquire and hold such real estate Real estate of bank. as may be necessary for its office or banking-house, not exceeding in value twenty thousand dollars, but shall acquire and hold no other real estate, unless it shall acquire the same by bona fide mortgage as security for money loaned by said corporation, or by conveyance in payment and satisfaction in whole or in part of debts to said corporation previously contracted in the regular course of its dealings, or unless said corporation, shall purchase the same under judgment or decrees either rendered in favor of said corporation, or which have become its property in the course of the collection of its debts.

Sec. 9. Semi-annual dividends shall be made of so much of the Dividends. profits of the bank as the board of directors shall deem expedient, on the first Mondays of August and February, respectively in each year.

Sec. 10. Said corporation shall be subject to all the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six so far as the same are applicable and not inconsistent with this act. General provisions.

Sec. 11. The stocks deposited with the state treasurer for the security of the circulating notes by him countersigned and delivered to said bank, shall be held by him, exclusively for that purpose, until such notes are redeemed, except as herein otherwise provided. Bills to be countersigned by state treasurer. The bills or notes so countersigned, shall have stamped or printed on them the words, "secured by the pledge of stocks," and shall be thus countersigned and delivered to the amount to which said bank has entitled itself, on the written order of the president and cashier. The bank shall be entitled to receive the interest or dividend on all stocks deposited, under the provisions of this act, unless they fail to redeem the circulating notes: *Provided, however, That* Bank to receive dividends on stocks pledged in certain cases.

whenever the price of any of the stocks pledged for the security or redemption of the circulating notes of said bank, shall be at the stock exchange, in the city of New York for four consecutive weeks, at a price or rate less than the value at which such stock shall have been estimated when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received, when added to, the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal to the amount for which such stocks were deposited; or immediately give notice thereof to the president or cashier of said bank, who shall forthwith return to said treasurer an amount of circulating notes so countersigned, equal to the depreciation of said stocks.

Annual examination of bank by state treasurer.

Proceedings in case of insolvency.

Duty of receivers.

Sec. 12. It shall be the duty of said treasurer to examine into the affairs and condition of said bank at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to examine the books, papers and personal property of said bank, to administer all necessary oaths to the directors, officers, clerks or agents of said bank, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general and secretary of state, or a majority of them should decide at any time that said bank was insolvent, either upon the examination of the treasurer or upon satisfactory evidence to them that said bank has refused to pay any of its circulating notes when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bonds and securities as they shall deem proper, who shall proceed to take possession of the books, records, and assets of every description of said bank, collect all debts, dues and other claims belonging to said bank, settle and compound for all bad and doubtful debts, sell all the real and personal property of said bank, prosecute the stockholders of said bank, in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general and secretary of state, or a majority of them shall determine, which the state treasurer shall pay out of any money paid into his office by said receiver or receivers; and all other expenses shall be determined and paid in the same manner. The state treas-

urer shall cause notice to be given by advertisement, in one paper published in the village of Ann Arbor, and also in the state paper, for six consecutive months, calling on all persons who have claims against said bank, to make legal proof; and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said bank, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers on all such claims as may have been proved, and from time to time as the proceeds of the assets of said bank shall be paid over to him the said treasurer shall make further dividends as aforesaid on all claims proved: and the remainder, if anything, shall be paid over to the stockholders of said bank, or their legal representatives, in proportion to the stock by them severally held. The auditor general, secretary of state, and state treasurer, or a majority of them may at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may reinstate said bank in the possession of any and all assets that may have been in possession or charge of said receiver or receivers: and any of the justices of the supreme court are hereby authorized, summarily, to make any order or issue any process which a court of chancery might make or issue to enable the said officers to carry out the provisions of this act, and said bank is hereby required, on the demand of said treasurer, to submit to a full examination on the part of said treasurer and any refusal to submit to said examination, shall operate and be construed as a forfeiture of its charter.

Duties of state treasurer in redemption of notes, &c.

Vacation of appointment of receivers, &c.

Sec. 13. The said bank shall pay the state treasurer on or before the second Monday of January, eighteen hundred and fifty, and on or before the second Monday of January in each year thereafter, during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes: *Provided*, That the value of real estate, as assessed by the proper township officer or estimated by the state treasurer, which may be owned in fee by said bank, shall be deducted from said capital stock, for the purpose of taxation, and all real estate owned by said bank shall be taxed as other property in the several townships, cities and villages, where the same may be situated.

Annual report & state tax.

Sec. 14. No more than seven per cent. per annum, in advance,

Bank of discount on loans. shall be taken for any loan or discount, under any pretence whatever by said bank, and said bank shall not at any time issue or put in circulation any note, draft, bill of exchange, acceptance, certificates of deposits or other evidence of debt, which from its character or appearance shall be calculated or intended to circulate as money, of its own emission, other than such notes or bills of circulation as are countersigned by this act provided, and which said bank are expressly authorized to issue for the purpose of being circulated as money.

Fraudulent assignments, &c. All transfers of the notes, bonds, bills of exchange and other evidence of debt owing to said bank, or of deposits to its credit; all deeds of conveyance of real estate; all assignments of mortgages or other securities on real estate or of judgments or decrees in its favor; all sales, assignments or other disposition of any personal property, or of any choses in action belonging to said bank; all deposits of money, bullion, or other valuable thing, for its use or for the use of any of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed in this act, or with a view to the preference of one creditor to another, shall be held utterly null and void.

Publication of annual statement by state treasurer.

Sec. 15. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said bank, at least once in each year, as ascertained when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks, redeeming the bills or notes as provided in this act, and of the registering and countersigning of the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said bank.

Sec. 16. The legislature may at any time, alter, amend or repeal this act.

Approved March 31, 1849.

[No. 205.]

AN ACT to amend Chapter 7, Title 2, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That sections seventeen, eighteen,*

nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter seven, title two of the revised statutes of 1846, be and the same are hereby repealed, and the following substituted to stand as a new section:

Sections 17, 18, 19, 20, 21, 22 & 23 of chapter 7 of R. S. repealed.

"Sec. 17. If from any county clerk, no such statement shall have been received by the secretary of state, on or before the Wednesday next after the third Monday of November, he shall call upon the governor and receive from him the statement from such county clerk, if the governor shall have received one. If from any county clerk, neither the governor nor the secretary of state shall have received such statement by the day last mentioned, the secretary of state shall forthwith send a special messenger to obtain such statements and certificates from such county clerk, and such clerk shall immediately on demand being made by such messenger at his office, make out and deliver to him the statements and certificates required."

New section substituted therefor.

Sec. 2. That section sixteen of said chapter be amended by striking out all after the word "state" in the sixth line thereof, so that said section shall read as follows:

Sec. 16 of chapter 7 of R. S. amended.

"Sec. 16. Each county clerk immediately after he shall receive from the board of county canvassers a statement of the votes given for electors of president and vice president, shall make out three copies thereof, and certify the same under his hand and seal of office to be true copies, and shall send by mail one to the governor and one to the secretary of state."

Section 16 as amended.

Approved March 31, 1849.

[No. 206.]

AN ACT to amend an act entitled an act to incorporate the Detroit and Utica Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time within which the commissioners named in the act to which this act is amendatory might open books for the subscription of the capital stock of said company, is hereby extended for the period of six months from and after the passage of this act, and said company shall be allowed two:

Act amended.

years, from and after the passage of this act for the expenditure of ten per cent. of the capital stock of said company in the actual construction of this road.

Repeal. Sec. 2. All acts and parts of acts inconsistent herewith, are hereby repealed, so far as they apply to the act to which this act is amendatory; and this act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 207.]

AN ACT to incorporate the Frederick and Utica Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles W. Chappel, James Covil, jr. Porter Kibbee, Edward C. Gallop, Isaac Kelley and George Macumber, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Frederick and Utica plank road company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Frederick and Utica plank road company, with corporate succession.

Route of road.

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Frederick, in the town of Clinton, to the village of Utica, in the county of Macomb, and said company may construct said road on the heel-path of so much of the Clinton and Kalamazoo canal, lying on the route of said road, as they may see fit.

Capital.

Sec. 3. The capital stock of said company shall be eight thousand dollars, divided into shares of twenty-five dollars each.

Duration of charter—its amendment, repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made

within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 30, 1849.

[No. 208.]

AN ACT to provide for laying out a state road from the township of Ingham, in the county of Ingham, to the village of Dexter, in Washtenaw county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William S. Mead, F. G. Rose and Richard Peterson, be and are hereby authorized and appointed commissioners to lay out and establish a state road, commencing at the termination of a state road from Okemos, to the township of Ingham, on the south line of section fifteen, eighty rods west of the south east corner of said section fifteen, in town two north of range one east, running thence south easterly on the most eligible route to William Tompkins house, thence through the townships of White Oak, Unadilla, by the way of Plainfield post office, to the village of Pinkney, and from thence to the village of Dexter, in Washtenaw county. Commissioners to lay out certain state road.

Sec. 2. The above commissioners shall file so much of the survey of the above named road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law. Duties of commissioners, &c.

Sec. 3. That it shall be the duty of the commissioners of high-

Duty of certain highway commissioners. ways of the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law, as township roads are required to be opened and worked.

State not liable for expenses or damages. Sec. 4. The state shall not be liable for any expense incurred, or damages sustained by reason of this act, and in case the road mentioned in the preceding section of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 209.]

AN ACT to repeal an act entitled "an act to authorize the erection of a toll-gate and for keeping in repair the Detroit and Saginaw road and for other purposes."

Act amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to authorize the erection of a toll-gate, and for keeping in repair the Detroit and Saginaw road, and for other purposes," approved March eighth, one thousand eight hundred and forty-three, be and the same is hereby repealed: *Provided*, That nothing in this act shall interfere with contracts entered into by the superintendent of said road during the year eighteen hundred and forty-eight.

Proviso. Sec. 2. This act shall take effect and be in force from and after the first day of September next: *Provided*, The Detroit and Birmingham plank road company shall have completed five consecutive miles of plank road previous to the first of September aforesaid, then the superintendent of said Detroit and Saginaw road, shall sell and dispose to the best advantage all the tools and other property of said road, and apply the monies of the same as other monies collected, and make returns to the treasurer of Wayne county of his doings.

Approved March 31, 1849.

[No. 210.]

AN ACT to vacate a part of the corporate limits of the village of Grand Rapids, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the present corporate limits of the village of Grand Rapids, in the county of Kent, lying east of Bostwick's addition to the said village, and south of Fulton-street; and also, all that portion of said corporate limits of said village, lying east of the Dexter fraction, so called, be and the same is hereby vacated. Portion of plat of Grand Rapids vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 211.]

AN ACT to incorporate the Lake Michigan and Terre Coupee Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hale E. Crosby, Erasmus N. Shead, John P. Johnson, Moses Chamberlain, Alvin Emery and Elkeanah Ryther, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lake Michigan and Terre Coupee plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Lake Michigan and Terre Coupee plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the state line, near the village of Terre Coupee, Indiana, to the village of New Buffalo, in the county of Berrien, or to some point on the Michigan central railroad. Route of road.

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, in shares of twenty-five dollars each. Capital.

Duration of
charter,—
amendment,
repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act: *Provided further*, That whenever said company shall have completed their road, or any four consecutive miles thereof, the directors thereof may erect toll-gates and exact tolls from persons travelling on their road, for so much as may be completed.

Sec. 6. This act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 212.]

AN ACT to amend an act entitled "An act to incorporate the Jackson and Michigan Plank Road Company."

Act amended.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of an act entitled "an act to incorporate the Jackson and Michigan plank road company," approved April third, one thousand eight hundred and forty-eight, be and the same is hereby amended by adding to said section, at the end thereof, the words "except so far as otherwise provided in this act."

And.

Sec. 2. And that said act be further amended by adding after section six thereof, the provisions contained in the following section, numbered three:

Sec. 3. The board of directors of said company are hereby au-

thorized to enter upon and take possession of so much of the "Clinton road," the state road leading from Jackson, in the county of Jackson, to Lansing, in the county of Ingham, by way of Mason; and the state road leading from Eaton Rapids, in the county of Eaton, to Lansing, as they may deem necessary, and to construct and maintain thereon, a plank road: *Provided however,* That during the construction of said plank road, the said company shall in no wise improperly obstruct the usual track on said road, or so much thereof as may be taken possession of as aforesaid.

Sec. 4. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president of said company, under its corporate seal, in the office of the secretary of state: *Provided,* Such acceptance shall be so filed within six months from the passage of this act.

Acceptance of amended act by Co.

Approved, March 31, 1849.

[No. 213.]

AN ACT to authorize the Michigan Southern Rail Road Company to repair their road with heavy rails, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Michigan southern rail-road company may be and they are hereby permitted to repair any portion of said road with a heavy T or H rail, and build and lay that portion west of Hillsdale with a T or H rail.

Mich. S. R. Co. authorized to lay down heavy rail.

Sec. 2. That the time for completing the road to Clinton, in the county of Lenawee, and thence to Jackson, in the county of Jackson, be and the same is hereby extended three years from the time the same is required to be completed in the original act incorporating said company: *Provided,* That this act shall not have effect unless it shall receive the assent of a majority of the stock represented at the next annual election of directors of said company, and the assent shall be attested by the president and secretary of said company and filed with the secretary of state.

Time for completion of branch to Clinton extended.

Assent of company required.

Approved March 31, 1849.

[No. 214.]

AN ACT to amend an act entitled "an act to incorporate the North American Health Insurance Company."

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act to incorporate the North American health insurance company, approved March thirteenth, one thousand eight hundred and forty-nine, is hereby so amended as to authorize the said company to make and grant insurance on lives.

Name
changed.

Sec. 2. The name of the company is hereby changed to that of the North American health and life insurance company.

Sec. 4. This act shall take effect immediately.

Approved March 31, 1849.

[No. 215.]

AN ACT for improving the navigation of Maple River.

Certain N.
R. highway
taxes appro-
priated on
certain riv-
ers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all of the non-resident highway taxes for the year one thousand eight hundred and forty-nine, in towns nine and ten north, of range one west, in the county of Gratiot, be and the same are hereby appropriated for the improvement of the navigation of Maple River, in said town nine north, range one west, by the removal of flood wood and other obstructions in said river.

Special
comm'r, his
duties, &c.

Sec. 2. That Robert E. Craven, of the county of Clinton, be and he is hereby appointed special commissioner to disburse the moneys aforesaid, on said road, in town nine north of range one west, in the removal of flood wood and other obstructions therefrom; who shall have power to let any job of work on said river in said town, for the accomplishment of the purpose of this act, first giving public notice thereof by posting up notices in three of the most public places in the township of Duplain, in the said county of Clinton, at least ten days before the time of letting such job or jobs, specifying the time and place, when and where the job or jobs will be let to the lowest bidder, who shall give bonds with one or more sureties

to the special commissioner for the faithful performance of said job or jobs.

Sec. 3. It shall be the duty of the special commissioner to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurer of the county of Clinton; and it shall be the duty of the said treasurer to withhold from the township of Duplain aforesaid, the moneys accruing on said non-resident lands and pay over the same to the special commissioner. List of lands &c.

Sec. 4. It shall be the duty of the special commissioner to render to the board of supervisors of the county of Clinton, at their annual session, a true account of the application and disbursement of all moneys which he may receive by virtue of this act. Account of comm'r.

Sec. 5. Before said special commissioner shall enter upon his duties, he shall take the oath prescribed by the constitution of this state, and file the same with the clerk of the county of Clinton, and before he shall draw any monies from the treasurer of the county of Clinton, aforesaid, he shall give a bond with one or more sureties, in double the amount of the taxes by this act appropriated, to the said treasurer, for the faithful performance of the duties imposed upon him by this act. The said commissioner shall receive as a compensation for his services one dollar per day, when actually employed, which shall be audited and allowed by the board of supervisors of Clinton county and paid out of the fund created by this act. His oath of office, bond, &c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 216.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and lock around the Rapids of Grand River at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848," approved January 25, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled Act amend-
ed.

"an act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and lock around the rapids of Grand river at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848;" approved January 25, 1849, be and the same is hereby repealed; and the following shall stand instead thereof:

Engineer to be appointed by supervisors of Ionia county.

Duties of engineer.

"the supervisors of the county of Ionia, or a majority of them, be and they are hereby authorized and empowered, to appoint an experienced engineer, on or before the first Tuesday in May next, whose duty it shall be to make estimates, as hereinafter provided, under the contract entered into between the commissioners appointed by the governor of this state, according to act number one hundred and twenty-five, of the session laws of 1848, and James Davis, for the construction of a canal and locks around the rapids of Grand river, at Grand Rapids, in the county of Kent. The said engineer shall, from time to time, determine, as the work under said contract progresses, what proportion of said contract has been done and performed, whether one-half, three-fourths, more or less, and shall also estimate and determine, from time to time as aforesaid, the number of acres of land of the twenty-five thousand acres, agreed to be paid to the said James Davis, by the said commissioners for the full performance of his said contract, that will be sufficient to pay pro rata, the contract for the proportion of said contract done and performed at the time of the estimate and determination; said estimates shall be made at the request of the said contractor, and shall, as often as made, after being signed by the said engineer, and countersigned by the chairman of the board of supervisors of said county of Ionia, be filed by the said engineer, with the commissioner of the state land office, or that officer of the state government upon whom may be imposed the duties of said commissioner. In case of the death, inability or refusal of the engineer to serve as aforesaid, then and in that case, the said commissioners shall, and they are hereby required forthwith to appoint some other suitable and discreet engineer, who shall perform the duties aforesaid."

Act amended.

Sec. 2. That section two of the act hereby amended, be, and the same is hereby amended by striking out the word "commissioners," in the fifth line, and by inserting in lieu thereof, the word "engineer."

Sec 3. The said engineer shall, before he enters upon the duties of his appointment, take and subscribe the constitutional oath, and file the same with the clerk of the board of supervisors of the said county of Ionia. Said engineer shall be allowed a reasonable compensation for his services, one half to be paid by the supervisors of the county of Kent, and the other half to be paid by the supervisors of the county of Ionia, in orders drawn upon the treasurers of their respective counties.

Oath of office, and compensation of engineer,

Sec. 4. It shall be the duty of the commissioners appointed by act No. 125, of the session laws of 1848, to cause a dam to be constructed across Grand river at the Grand Rapids, in the county of Kent, in connection with the said canal and in accordance with the provisions of section 5 of act No. 19 of the session laws of 1847.

Dam to be built by commissioners under act 125 of 1848.

Sec. 5. If the lands of any individual or individuals or corporation shall be injured by being overflowed in consequence of the erection of a dam as authorized to be constructed according to section five of act No. 19, of the session laws of 1847, the person or persons, or corporation sustaining such injury shall, if damages are claimed, enter a complaint therefor before the county judge of the county in which such lands are situated.

Proceedings where lands are flowed by dam.

Sec. 6. Such complaint may be presented to the said judge in term time or be filed in the county clerk's office in vacation, and a copy thereof in either case shall be served on one of the special commissioners having charge of the construction of said canal, locks and dams complained of, by being delivered to him or left at his dwelling house by the complainant himself (of which service he must make proof) or by a proper officer, at least thirty days previous to the time of the meeting of the persons hereinafter provided for to view and appraise the damages.

Complaint to be filed and service thereof.

Sec. 7. The complaint shall contain such a description of the land alleged to be overflowed and injured, and such a statement of the damages that the record of the case shall show with sufficient certainty the matter that shall have been heard and determined therein, and upon such complaint being filed as aforesaid, proceedings shall be instituted in favor of the complainant for the recovery

Particulars set forth in complaint.

of his damages on account of the overflowing of his lands as aforesaid, in the manner following:

Summons
thereupon
to jury of
view.

Sec. 8. Upon filing of such complaint as before provided, the clerk thereof, shall issue a summons directed to the sheriff of the proper county, commanding him to summon Canton Smith, Charles Shepherd, John M. Fox, Joshua Boyer, Billias Stocking, and Conrad Phillips; to appear upon a certain day therein to be named, which shall not be less than ten days from the date of said writ, who shall be duly sworn by the clerk of said court or by a justice of the peace, faithfully and impartially to examine the premises described in the complaint and appraise the damages sustained by the complainant in consequence of the overflowing of any such lands by the waters of such dam, and the persons thus summoned and sworn, shall constitute a jury of view.

Verdict of
jury.

Sec. 9. The said jury, or a majority of them, after thoroughly examining the premises and ascertaining the quantity of land flowed, and determining the amount of damages as aforesaid, shall return a sealed verdict to the clerk of the proper court issuing the summons, who shall open the same, and record it in the minutes of the court.

Payment of
damages a-
warded and
effect there-
of.

Sec. 10. If the special commissioners or any two of them shall within ten days of the rendition of said verdict and the entry thereof by the clerk as aforesaid, pay to the said clerk in orders drawn upon the treasurers of the counties of Kent and Ionia, for the use of the complainant, the amount of damages as estimated by the jury, and the costs of the proceedings to the officer, jury and complainant, to be taxed by the said clerk, then the said complainant and all persons claiming under him or them, shall be precluded and forever barred from maintaining any action at law, or equity therefor, which orders shall be paid in equal proportions by the said counties, and upon the rendition of any such verdict as aforesaid, it shall be the duty of the clerk of the county of Kent, forthwith to notify the board of supervisors of each of said counties, of the amount of such verdict recorded in the minutes of the court aforesaid; the amount of said verdict or verdicts shall be assessed and levied, the one half upon the whole taxable property in the county of Kent, and the other half in like manner upon the whole taxable property of the county of Ionia.

Amount of
such dama-
ges assessed
upon coun-
ties of Kent
and Ionia.

Sec. 11. The supervisors of each of said counties aforesaid are hereby authorized and required at their joint annual session after the receipt of said notice as aforesaid, to appropriate and cause the same to be assessed and levied in the proportions aforesaid upon the whole taxable property of said counties, for the purpose of paying such verdict or verdicts, and cause the same to be collected in the same manner as other taxes are now collected by law.

Duties of supervisors of said counties.

Sec. 12. Whenever the orders aforesaid shall be presented to either of the said treasurers, it shall be their duty to pay the same out of any monies in said treasuries not otherwise appropriated; and the said orders shall bear interest at the rate of seven per cent. per annum from and after the day of their presentation, and until the same shall be paid, and the time of said presentation shall be certified to by the treasurer to whom the same shall be presented, upon the back of the same.

Orders for damages—how paid, &c.

Sec. 13. In case any of the persons above named for a jury of view, in consequence of death, absence from the country or any other inability, be unable to serve in viewing and determining said damages, then and in that case it shall be the duty of the said sheriff or either of his deputies, to summon forthwith a sufficient number of discreet and disinterested freeholders, to serve in his or their stead, whose duty it shall be to appear at the time and place mentioned in the summons, and perform the same duties prescribed in section nine of this act, after having taken the same oath as required in section eight, the said sheriff or his deputy, being first sworn by the clerk of the county of Kent, to select such freeholders according to his best judgment, and without favor or partiality to either party.

Talismen for jury of view.

Sec. 14. That the proviso of section five, of act number nineteen of the session laws of 1847, approved February 20, 1847, be, and same is hereby repealed.

Act amended.

Sec. 15. That sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and fifteen of this act, shall not take effect or be in force unless two thirds of each board of the supervisors of the counties of Kent and Ionia shall file their written assent thereto with the county clerk of each of said counties; and the said board of supervisors are hereby required to meet in their respective counties on or before the first Tuesday in May next, for the purpose of

Supervisors of Kent and Ionia to file assent to certain provisions of this act.

giving or withholding their assent to the same; and it shall be the duty of the respective clerks of the said counties, forthwith to notify each other what action has been had in the matter, which said notices shall be filed by said clerks in their respective offices; and that section one, two, three and four of this act shall take effect and be in force from and after their passage.

Approved March 31, 1849.

[No. 217.]

AN ACT to provide for the removal of the State Land Office to the seat of Government.

Removal of
state land
office to
Lansing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the state land office now established and being at Marshall, in the county of Calhoun, shall be removed to, and be established in the village of Lansing, in the county of Ingham, and for that purpose the commissioner shall, as soon after the tenth day of May next, as the business of the said office will permit, and not later than the fourteenth day of said month of May, close his said office at Marshall, and shall immediately thereafter remove all the books, maps, papers, furniture, fixtures and other things belonging to said office, to said village of Lansing, and arrange the same for business at some convenient place, to be designated by the auditor general.

Recorder of
land abol-
ished after
removal.

Sec. 2. Upon closing the said land office at Marshall, as provided in the preceding section, the office of the recorder of the land office shall be, and is hereby abolished.

Comm'r of
L. office to
continue
until 1st of
Feb. 1850.

Sec. 3. The duties of the commissioner of the land office, shall remain and continue as provided by existing laws, until the first day of February next, except as herein otherwise provided.

Monies re-
ceived at of-
fice after re-
moval to be
paid to state
treasurer.

Sec. 4. All monies received at the said land office shall, after the removal thereof as provided in section one of this act, be paid to the state treasurer, who shall give a receipt for the same, and which said receipt shall be countersigned by the auditor general as in other cases.

Office of
comm'r
abolished
from
cert'n date.

Sec. 5. From and after the said first day of February next, the office of commissioner of the land office, shall be, and hereby is

declared to be abolished, and the duties required of said commissioner by existing law shall devolve upon and be performed by the auditor general.

Sec. 6. All accounts for incidental expenses of said office, accounts for traveling expenses and postage of superintendent of public instruction, accounts for surveys of village lots or other lands, improvements at Lansing, and all other accounts and charges heretofore allowed and paid by the said commissioner, from monies in his hands, shall hereafter be audited by the board of state auditors, on the certificate of the commissioner, and when audited and allowed, shall be paid from the state treasury on the warrant of the auditor general drawn on the proper fund.

Board of auditors to audit certain accounts.

Sec. 7. Any purchaser of salt spring, university or primary school lands, his agent or attorney, may pay to the county treasurer of the county in which such lands lie, the amount due on his certificate from time to time, either for principal or interest, and for the amount so paid, the said treasurer shall give to such person his receipt, specifying the amount so paid, and whether for principal or interest or both, and the amount of each, and which said receipt shall be countersigned, by the county clerk; and when so given and countersigned, shall have the same force and effect as if it had been given by the commissioner of the state land office, or state treasurer: *Provided*, The several county treasurers authorized to receive money under the provisions of this act, are required to execute and give to the state a bond with good and sufficient sureties in an amount to be fixed by the commissioner of the state land office or by the auditor general, the sureties to be approved by the prosecuting attorney and register of deeds of their respective counties, conditional that the said moneys shall be paid over to the state treasurer as provided in this act.

Purchaser of S S, university, or P S lands may pay interest to county treasurer.

Sec. 8. The said county treasurer shall issue duplicate receipts, for all monies received under the provisions of the preceding section, one of which shall be left with the county clerk of such county.

Receipts of county treasurer.

Sec. 9. The duplicates of such receipts, shall be filed with the county clerk, who shall also make an entry of the amount for which such receipt was given, and whether the same was for principal or interest, with the name of the person paying the same, in a book to

Duties of C. clerks in such cases.

be provided by him for that purpose, at the expense of the county; and shall on the first Monday of each month, forward all the receipts on file in his office, to the commissioner of the land office or auditor general in such manner as he may direct.

Duty of
com'r of L
office to
transmit
statements
of lands &c.
to county
treasurers.

Sec. 10. It shall be the duty of the commissioner of the state land office on or before the first day of July next, and of the auditor general on or before the first day of July in each year thereafter, to transmit to the county treasurers of the several counties, where payments may be made under the provisions of this act, a statement of all salt spring, university or primary school lands within such counties upon which any interest or principal is due, or to become due, the amount of principal due on each description, the amount of interest annually due or to become due thereon, with such directions and instructions as may be necessary to enable said county treasurers fully to carry out the provisions of this act, and the said commissioner of the state land office or the auditor general shall also transmit to the several county treasurers with the statements mentioned in this section, a bond to be executed by them, in the penal sum of at least twice the amount which may be received by the said county treasurer; upon the election of any county treasurer in any county where payments may be made under the provisions of this act, they and each of them shall at the time of their executing their ordinary bond of office, and before entering upon the duties of their office, also execute the bond provided for in this act, and forward the same to the auditor general as herein provided.

Duties of C.
treasurers.

Sec. 11. The said county treasurers shall on the receipt of the statements and bonds, execute in the manner provided in this act, the bonds, and forward the same to be filed in the auditor general's office, and for any failure to pay over to the state treasurer, any or all money received under the provisions of this act, by any county treasurer, the county in which such failure may occur shall be liable for all losses that may occur from such failure, and the state treasurer shall charge the same to such county.

Ibid.

Sec. 12. The monies received by said county treasurers under the provisions of this act, shall be held subject at all times to the order of the state treasurer; and all such moneys so received shall be paid over to the state treasurer on or before the first day of May in each year.

Sec. 13. This act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 218.]

AN ACT for the improvement of the road leading from Hillman's in the township of Tyrone and county of Livingston, to Pontiac in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all such non-resident highway taxes as may be collected for the year eighteen hundred and forty-eight, and for three years thereafter, on all legal subdivisions or descriptions of land, the greater or equal part of which lies within one mile from the centre of said road leading from Hillman's in the town of Tyrone, in the county of Livingston, to Pontiac in the county of Oakland, be, and the same are hereby appropriated for the improvement of said road: *Provided*, That this act shall not apply to any lands the said taxes whereof have heretofore been appropriated for the improvement of the Pontiac and Grand river road.

Appropriation of N R taxes on certain r. ad.

Sec. 2. A special commissioner shall be appointed by the governor, who, in expending all moneys which may be subject to his control by the provisions of this act, shall be governed by the same laws, as far as they are applicable, as are now or may hereafter be in operation for the government of township highway commissioners.

Special com'r—his powers and duties.

Sec. 3. It shall be the duty of said special commissioner, before entering upon the duties of his office, to take and subscribe an oath that he will faithfully perform the said duties, and also to file in the office of the county treasurers of Oakland and Livingston counties, a bond in the penal sum of five hundred dollars each, with two or more good and sufficient sureties to be approved by said treasurers, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurers to prosecute the same in the manner prescribed by law for the prosecution of bonds against county officers.

Oath and bond of com'm'r.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of September next, to make out a list of all non-

List of lands to be made by com'm'r.

resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Livingston and Oakland road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office for non-resident highway taxes upon any of the land described in said list, and charge said fund with all moneys drawn by said special commissioner.

Payment of
contractors
and others.

Sec. 5. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same, in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer of the county, where said labor or materials are done or furnished, who shall pay the same from any moneys in his hands standing to the credit of said road fund.

Compensation
of com-
missioner.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered, in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day, for the time employed in carrying out the provisions, and his accounts for such time, verified by his oath, shall be audited by the board of supervisors of the counties of Livingston and Oakland, and shall be paid from any moneys standing to the credit of said fund: *Provided*, That nothing in this act shall be so construed as to contravene any act for the improvement of roads crossing this road.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 219.]

AN ACT to consolidate the Laws in relation to County Courts, and for other purposes.

Co. courts,
judges of,
when to be
elected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county courts now established in the organized counties of this state shall continue and be held at the county seats of said counties for the transaction of all business that may be lawfully brought before them. The qualified

electors of each county shall elect a county judge and a second judge at the general election to be held for the year eighteen hundred and fifty, and once in every four years thereafter, who shall hold their offices four years from the first day of January thereafter, and until their successors are elected and qualified to serve in their places. The county judges and second judges now elected in the several counties shall hold their offices for the full term for which they were elected.

Sec. 2. It shall be the duty of the second judge to perform the duties of the county judge when such judge is interested, or when from absence or other disability he is unable to serve: *Provided*, That when the office of county judge or second judge becomes vacant from any cause, such vacancy shall be filled at the first general election thereafter.

Duties of
2nd Judge.

Vacancies,
how filled.

Sec. 3. The county courts shall be courts of record, and each one shall have a clerk and seal. They shall have and exercise original and exclusive jurisdiction in all matters at law, civil and criminal, excepting proceedings in probate cases, actions of ejectment, and cases civil and criminal which are by law made cognizable before justices of the peace, and except also as hereinafter provided. They shall have jurisdiction of proceedings for the foreclosure of mortgages, and appellate jurisdiction of all cases of appeal from courts of justices of the peace in civil proceedings.

County courts
to be courts
of record,
with clerks
and seals.

Their juris-
diction.

Sec. 4. In any civil action where the plaintiff's demand exceeds the sum of five hundred dollars, the plaintiff may at his election commence such action in the circuit court of the proper county.

When ac-
tion may be
brought in
circuit c'ts.

Sec. 5. Each judge of a county court before he enters upon the duties of his office, shall take and subscribe the oath prescribed by the constitution of this state, which may be administered by the county clerk or any justice of the peace of the county, and shall be filed in the office of the county clerk.

Oath of of-
fice of jud-
ges.

Sec. 6. The county clerk shall be clerk of the county court, and shall have the custody and care of all the books and papers belonging to the court, shall be present at all trials, may swear all witnesses or jurors on the trial of a cause, shall keep minutes of the proceedings and judgments of the court in any cause, under the direction of the judge, shall issue all process under his hand, and the seal of the court, except when otherwise provided for by law, and

County clk
to be clerk
of county
court—his
powers and
duties.

shall tax all costs from minutes thereof kept by him, (including witness' fees,) under the direction of the judge: *Provided*, That in case of his inability to discharge his duties by reason of sickness or absence, his deputy may perform the same or the court employ some person in his place.

Issue of process, &c.

Sec. 7. The county courts shall have full power and authority to issue any legal process proper and necessary to carry into effect such jurisdiction given them by law, and to carry out such jurisdiction, shall have and exercise all powers usually possessed by courts of record under the common law, under the limitations and restrictions imposed by statute.

General terms.

Sec. 8. A general term of each county court shall be held in each of the counties of this state on the first Tuesday of every month, for the transaction of business, the hearing of actions or proceedings pending therein, and may continue as long as the court may deem necessary. The court shall be opened at ten o'clock in the forenoon of the first day of the term.

Security for costs may be required, &c.

Sec. 9. The county judge may in all actions, either before or after the issuing of process, at his discretion, require of the plaintiff satisfactory security for costs, and the person giving such security, shall sign a memorandum thereof, in writing to that effect, which shall be filed with the clerk, and in all cases, plaintiffs not residing in the county shall give security before process shall issue.

Of the commencement of Suits.

Sec. 10. Suits may be instituted in a county court either by voluntary appearance of the parties, by declaration or by process; and when by process it shall be either a warrant, an attachment or a writ of replevin.

When suits considered as commenced.

Sec. 11. Suits shall be considered as commenced at the times following:

First. Upon process by warrant, at the time of the arrest of the defendant.

Second. Upon process by attachment or replevin, on the day when process shall be delivered to the sheriff.

Third. By declaration, on the day when the summons issued thereon shall be delivered to the sheriff. But if two or more suits be commenced by declaration or attachment, the suit in which the

attachment or summons was first served shall be deemed to have been first commenced. But it shall be the duty of the sheriff (or other person serving the same) to serve the process first which first came into his hands.

Fourth. When a suit is instituted without process or declaration, at the time when the parties shall appear before the county court and cause the same to be entered.

Of the issuing and return of Summons.

Sec. 12. On making and filing declaration as commencement of suit, a summons shall be issued by the county clerk, directed to the sheriff of the county in which it shall be issued, commanding him to summon the defendant to appear before the court, which issued the same, on the first day of the term next ensuing the time of issuing the same, at the hour of ten o'clock in the forenoon of said day, to answer the plaintiff in the action, which summons shall contain a statement of the amount for which the plaintiff will take judgment if the defendant fail to answer the declaration.

Proceedings on filing declaration as commencement of suit.

Sec. 13. The summons shall in all cases be served at least six days before the time of appearance mentioned therein, and if the defendant be found it shall be served by reading the same to such defendant, or (if required by him) by delivering a copy thereof; but if the defendant shall not be found, it shall be served by leaving a copy thereof at the defendant's last place of abode, in the presence of some one of the family of suitable age and discretion, who shall be informed of its contents.

Service of summons in such cases.

Sec. 14. On the return of such summons personally served, if the defendant do not appear in person or by attorney, within one hour after the time mentioned therein for his appearance, the court shall at the request of the plaintiff, proceed with the cause ex-parte; but no judgment shall in such case be rendered for an amount greater than the sum mentioned in the summons, with interest thereon, in cases where, by law, it should be allowed.

Proceedings on return of such summons.

Attachments.

Sec. 15. Any creditor may proceed by attachment in the county court against the property of his debtor, in the cases, upon the conditions and in the manner provided in title twenty-four of the re-

Attachments.

vised statutes of eighteen hundred and forty-six, for proceedings against debtors in attachment in the circuit court, subject only to the limitation of the jurisdiction of said county court; and such attachments in county courts shall be issued and proceeded in, in all respects in conformity with the provisions regulating proceedings against debtors in attachment in the circuit court, so far as the same can be made to apply and are consistent with the practice of said county courts as herein established: *Provided*, That if it appear from the return of such writ, that any property has been attached thereon, and that the defendant could not be found, the court shall continue the cause until the third general term next thereafter: *And provided further*, That the sheriff or other officer shall not go out of his county to summon the defendant.

Warrants.

Sec. 16. The plaintiff shall be entitled to a warrant upon filing with the county clerk an affidavit made by such plaintiff or some one stating in his behalf facts and circumstances showing,

In what cases warrants may issue.

First. That the defendant fraudulently contracted the debt, or incurred the obligation respecting which suit is brought; or

Second. That the plaintiff's demand is for the recovery of money collected by a public officer or an attorney, solicitor or counsellor in the course of his employment as such, or by any person in a fiduciary capacity, or for the recovery of damages on a promise to marry, or for any misconduct or neglect in office or in a professional employment; or

Third. That the defendant has committed a trespass, or other wrong to the damage of the plaintiff, or

Fourth. That the defendant has incurred a penalty by some law of this state for which the plaintiff has a right to commence a suit.

Sec. 17. Such warrant shall command the sheriff or other officer serving the same to take the body of the defendant and bring him into court on the first day of the next ensuing term to answer the plaintiff in an action to be mentioned therein.

Form of warrant &c.

Sec. 18. Every defendant arrested upon a warrant shall be entitled to be discharged from such arrest upon executing to the officer making the same, with the addition of his name of office, a bond in a penalty equal to double the amount of the plaintiff's demand, which

Defendant in attachment to be discharged from arrest on giving &c.

shall be mentioned in his affidavit, with two sufficient sureties to be approved by such officer, conditioned that such defendant will appear in the action commenced by such warrant before the court at the time therein named, and that the defendant will pay the judgment rendered against him in such suit, or will surrender himself in execution, or that in default thereof, such sureties will pay such judgment for him.

Sec. 19. When the defendant shall be brought into court on any such warrant, or shall appear in accordance with the conditions of the bail bond, which he may have executed to the sheriff, as in the preceding section provided, the court shall forthwith or within three days thereafter, proceed to hear, try and determine the cause, unless such cause be continued on cause shown as in other cases. If such continuance be made on the application of the plaintiff, or by consent of the parties, the defendant shall be discharged from custody, but the cause shall not be discontinued thereby, but shall be proceeded in at the day to which the same was continued as in other cases; if such continuance be had on the application of the defendant he shall give bond to the plaintiff satisfactory to the court, conditioned to appear on the day to which the same was continued and pay any judgment that may be recovered against him in the cause, or render himself in execution on any such judgment, and in default of giving such bond, he shall remain during the time of continuance in the custody of the officer serving the warrant.

Proceedings on return of attachment process—continuance, &c.

Sec. 20. If the defendant shall not appear in court according to the conditions of the bond mentioned in section eighteen, the plaintiff may take an assignment thereof, from the officer to whom the bond was given and may sue thereon in his own name; but he shall not recover judgment for more than is justly due him from the defendant, together with the costs and charges of the prosecution.

When plaintiff entitled to assignment of defendant's bond for appearance.

Replevin.

Sec. 21. The plaintiff, in an action to recover the possession of personal property, may at the time of commencing the action, claim the immediate delivery of such property as herein provided.

Sec. 22. Where a delivery is claimed, an affidavit must be made by the plaintiff, or some one in his behalf showing:

Affidavit for replevin, what to contain, &c.

First. That the plaintiff is the owner of the property claimed, (describing it) or is lawfully entitled to the possession thereof.

Second. That the property is wrongfully detained by the defendant.

Third. That the same has not been taken for any tax, assessment or fine levied by virtue of any law of this state, or seized under any execution or attachment, against the goods and chattels of such plaintiff, or if so seized, that they are by statute exempt from such seizure; and

Fourth. The actual value of the property according to his best knowledge and belief.

Issue of writ thereupon.

Sec. 23. The county clerks shall thereupon issue a writ of replevin which shall be substantially the same as provided in section six, chapter one hundred and twenty-four of the revised statutes, to which the affidavit shall be annexed.

Sheriff to seize and make delivery of property on receiving cert in bond from plaintiff.

Sec. 24. Upon the receipt of such writ with the affidavit annexed, and a bond executed to the sheriff and his assigns, with the addition of his name of office, with one or more sufficient sureties to be approved of [by] such officer, in a penalty not less than one hundred dollars, and in at least double the value of the property, as stated in the affidavit, conditioned that the plaintiff will prosecute the suit to effect, and that if the defendant recover judgment against him in the action, he will return the same property, if return thereof be adjudged, and will pay the defendant such sum of money as may be recovered by such defendant against him in the said action; the sheriff shall forthwith take the property, if it be in the possession of the defendant, or his agent, and deliver it to the plaintiff.

Proceedings in replevin in county courts to conform to practice in circuit courts as far as practicable.

Sec. 25. The proceedings in actions of replevin in the county courts, had subsequent to those required in the preceding sections, shall be the same in all respects as is provided for actions of replevin in the circuit court, in title twenty-four of the revised statutes of 1846, so far as the provisions thereof can be made to apply, and are consistent with the practice of said county courts, herein established; but no exceptions shall be taken in the county court to the sufficiency of the sureties taken by the sheriff or his deputy, or other officer in any such action; but the officer taking the same shall be liable for the sufficiency thereof; nor shall it be necessary that the issue in any action of replevin in the county court shall be tried by a jury, unless one of the parties demand the same. It

Jury not necessary.

shall not be necessary for the officer executing the writ, to cause the property seized to be appraised, nor shall the bond be delivered to the defendant unless the property specified in the writ or any part thereof, be seized or delivered to the plaintiff.

Of Pleading in Civil Actions.

Sec. 26. All causes not commenced by an amicable appearance of the parties thereto, or by warrant, attachment or writ of replevin, shall be commenced by filing with the clerk, a declaration therein, made in writing by the plaintiff in person, or by agent, or attorney, which said declaration shall be a brief statement of the form of the action, and of the plaintiff's claim or demand, and in all actions arising upon contract, may be made without regard to any form of declaration heretofore used, but such declaration shall in all cases set forth the nature of the plaintiff's claim or demand; and if for money due upon a contract, the amount due after allowing all credits to which the defendant is entitled, shall be the damages claimed therein.

Sec. 27. At the time of the first appearance of the parties before the court, either upon the return of process, or their voluntary appearance to join issue, the pleadings of the parties shall be made, unless the court shall allow further time upon cause shown. When both parties have appeared, an issue shall be joined before an adjournment shall be had, (except as aforesaid) and when the defendant shall have appeared upon a warrant, the pleadings shall be made within such reasonable time as the court shall allow for that purpose.

Sec. 28. The twenty-second, twenty-third, twenty-fourth and twenty-sixth sections of chapter ninety-nine of the revised statutes in relation to pleas and set-off shall apply to county courts.

Sec. 29. If a defendant neglect to set-off any demand which according to the provisions of this act might have been allowed to him on the trial of the cause, he shall be forever thereafter precluded from recovering costs in any action brought to recover such demand, or any part thereof, which might have been set-off.

Sec. 30. In all actions founded in whole or in part on any paper, writing, book of account or record, the party making the same, shall with his declaration, present such paper, writing, account or record, or a copy thereof, if in his possession or under his control,

and if otherwise, he shall state it, that the court may lend its aid in procuring the same.

Of Continuances.

Continuances.

Sec. 31. In all cases if the plaintiff or defendant shall make it appear to the satisfaction of the court, by his own oath or other legal testimony, that he cannot safely proceed to trial for want of some material testimony or witness, naming such witness, the court shall order a continuance of the cause for such reasonable time, so often as he shall deem it necessary: *Provided*, That a party claiming a second or subsequent continuance, shall further make it appear to the satisfaction of the court, that he has used reasonable diligence to procure such testimony or witness since the last continuance; and provided further, that every continuance shall be made to a day in term.

Of Judgments by Confession.

Proceedings in judgment by confession.

Sec. 32. Judgments may be entered in any county court in vacation as well as in term, upon a plea of confession signed by an attorney of such court, although there be no suit then pending between the parties, if the following provisions be complied with:

First. The authority for confessing such judgement shall be in some proper instrument distinct from that containing the bond, contract or other evidence of the demand for which said judgment was confessed.

Second. Such authority shall be produced by such attorney and shall be filed by the clerk of the court at the time of entering up such judgment. Judgments entered under the provisions of this section, may be signed by the county judge or any circuit court commissioner.

Of Trials by Court or Jury.

Trial of issue—when by jury or court.

Sec. 33. If an issue of law be made in the cause it shall be tried by the court; if an issue of fact, it shall on demand of either party as hereinafter provided, be tried by a jury, to consist of not less than six nor more than twelve, at the option of the party demanding the same, and if no jury be demanded by either party, the issue shall be tried by the court.

Sec. 34. The demand for a jury shall be made after issue is

oined, and shall be accompanied by the payment into court, of one Demand for jury, when made, fees to be paid, &c. dollar for each juror demanded; (such fee to be taxed against the party losing.) on such demand the court shall direct the clerk to make an entry of such demand upon the record and shall upon the day to which the cause stands adjourned, direct an officer or disinterested person present, to write down the names of three times the List of jurors. number of persons required for the jury, who are qualified to serve as jurors in the circuit court, and not of kin to either party, nor in any manner interested in the cause; such officer or other person being by the court first sworn to select such names without partiality to either party. The list being made, the parties shall each alternately strike out a name until the requisite number be left, and if either party shall refuse or neglect to strike out on his part, the court or clerk may strike out the names in his stead; a venire shall thereupon be issued by the court for the persons thus selected, and Venire. delivered to an officer who shall forthwith proceed to summon the jury therein named. If any of the jurors named in such venire, shall not be found, or shall fail to appear according to the summons, or if there shall be any legal objections to any who shall appear, the court shall direct the officer to summon a sufficient number of Talismen. talismen to supply the deficiency; but in all cases the parties may agree upon any number of persons to try the cause.

Sec. 35. When a jury shall have been regularly empannelled and sworn, they shall sit together and hear the testimony and charge of Hearing of jury verdict, &c. the court, and after deliberation render their verdict according to law and evidence given them in open court.

Sec. 36. In cases of appeal from a justice's court, now pending or hereafter to be brought in the county court, if the appeal be not dismissed, and there be an issue of law made in the cause, it shall be tried by the court, if an issue of fact, it shall on demand of either party, be tried by a jury of the same number, and to be called and empannelled in the same manner as hereinbefore provided; but if no jury be demanded by either party, the issue shall be tried by the court. Issues on appeals, how tried.

Sec. 37. The fees of the sheriff for his services in drawing, summoning and attending the jury, shall be twenty-five cents for each Sheriff fees. juror, to be taxed as costs of suit.

Of Executions and staying Executions on Judgments.

Stay of ex-
ecutions on
judgments.

Sec. 38. The party against whom any judgment may be rendered in the county court, whether on confession or on trial, may at any time within ten days from the date of such judgment, stay the execution thereof by filing with the clerk of the court, a bond or other security in writing, to the plaintiff, executed by one or more persons to be approved by the county judge, for the payment of the judgment and interest within three months from the commencement of the suit, and if upon an appeal from the day of filing the return from the justice with the county clerk, if such judgment shall not exceed twenty-five dollars, exclusive of costs; within six months, if such judgment exceed twenty-five dollars, and is under fifty dollars, exclusive of costs; and within ten months if said judgment exceed fifty dollars; and paying in either case to the said clerk, the costs for which judgment was rendered; and if the amount of such judgment and interest be not paid within the time limited for such stay, execution may issue against the party to such judgment, and the person or persons named in such bond or security; *Provided*, That this section shall not apply to any judgment against any attorney at law, justice of the peace, sheriff, constable or other officer, for money collected, nor to any other individual for money deposited with him, nor to any judgment for costs only, nor to actions of replevin, but in all such cases, execution may issue immediately.

Proceedings
when stay
of execution
dies or re-
moves from
the county.

Sec. 39. In all cases where security for the stay of execution shall be put in upon any judgment, rendered in the county court, and the person becoming such security shall die or remove from the county in which such judgment is obtained, before the expiration of the time for which said execution is stayed, the plaintiff, his agent or attorney, may serve a notice in writing upon the defendant, informing him of the facts in relation to the decease or removal of the surety. Ten days after the return of said notice to the county clerk, the plaintiff may have execution against the goods and chattels of the defendant and his surety, unless before the expiration of said ten days the defendant shall give further security, for the stay of execution satisfactory to the court. Upon the return of said notice to the clerk, affidavit of the service thereof shall be made by the person serving the same.

Sec. 40. Executions from the county courts shall be directed to the sheriff of the county, (except in cases where by law a coroner or constable is required to serve the same) be dated on the day on which they actually issued, be made returnable in ninety days thereafter, and shall run against the goods and chattels, lands and tenements, of the defendant within the county. Executions.

Sec. 41. If the sheriff or any officer to whom any execution from a county court shall have been delivered, shall neglect to return the same within five days after the return day thereof, or shall refuse or neglect to serve any such execution or to levy the same as lawfully directed, or shall refuse or neglect to pay over any monies collected by him on any such execution as required by law, the county court upon application of the judgment creditor, his agent or attorney, upon oath, setting forth such neglect or refusal specifically, shall issue a citation made returnable on the first day of the next ensuing term from the date thereof, which shall be served by any constable of the county, five days at least, before the return day thereof, citing such sheriff or other officer to appear before said court, at a time named therein, to show cause, if any there be, why he should not be held liable to pay the amount due to the judgment creditor on such execution, including damages, interest and costs; and if on such hearing, no sufficient cause be shown by such officer why he should not be held liable as aforesaid, the court shall render judgment in favor of the judgment creditor and against such officer for the amount due him upon such execution, damages, interest and costs, inclusive, together with the costs of the proceeding and ten per cent. damages on the amount due as aforesaid, and no bail for the stay of execution in any such judgment shall be allowed to be put in, in any such case, but execution may issue thereon immediately, directed to any constable of the county, who may collect the same, with all the powers and liable to all the penalties of a sheriff in similar cases. Proceedings against sheriff or other officer for neglect to serve or return executions or to pay over monies collected.

Sec. 42. Upon any judgment it shall be lawful to issue an execution into any other or the same county, after the execution issued shall have been returned and filed, as though returned and filed on the return day. When executions may be issued into other counties.

In relation to County Courts and Judges.

County judge being counsellor of Sup. Ct to have power of circuit court's.

Sec. 43. Each of the county judges, being an attorney and counsellor at law of the supreme court of this state, shall have power and authority to grant writs of habeas corpus and adjudicate thereon, and to do all other acts which by the laws of this state, a circuit court commissioner is authorized to do or perform, excepting granting certiorari to his own decision, and shall be allowed therefor, the same fees allowed circuit court commissioners for the like services.

Co. judge to try no case wherein he has been counsel.

Sec. 44. No county judge shall try any cause in which he shall have been attorney or counsel, except by the consent of both parties, their attorneys and counsel.

Resignations.

Sec. 45. The resignation of any county judge, or second judge, may be filed with the county clerk, and shall take effect from the filing of the same in the clerk's office.

Rules of practice.

Sec. 46. Each county court shall have power to make rules for regulating the practice of said court, and conducting the business thereof, and to revise and alter the same from time to time as it may deem proper, subject however to such rules as may be prescribed by the supreme court in accordance with law.

Salaries of judges.

Sec. 47. The board of supervisors of each county except the county of Wayne, in which the board of county auditors, shall at any regular meeting make an order allowing the county judge a reasonable compensation for his services in each and every year in the trial of civil and criminal causes, and that section nineteen of chapter one hundred and fifty of the revised statutes of eighteen and forty-six, be and the same is hereby repealed.

Section 19, chap. 150, R is repealed.

Special election for Co. judges.

Sec. 48. It shall be lawful for the electors of any county in this state to hold a special election therein on the first Monday of April in any year, for the purpose of filling any vacancy in either of the offices of county judge or second judge of the county court of such county. And such election may be held when the county clerk shall at least twenty days before the annual township meeting, give notice in writing to the township clerks of the several townships of the said county, that elections will be held to fill such vacancy, any law to the contrary notwithstanding.

Canvass & return of votes in such cases.

Sec. 49. The votes cast at such election shall be canvassed, the result certified and determined in the manner, and under the re-

strictions and regulations provided by existing laws for holding special elections.

Fees to be paid to the use of the County.

Sec. 50. Before any suit shall be commenced in the county court by process or amicable issue, or before any appeal either by the appellant or respondent, or judgment by confession shall be entered, or [there] shall be paid to the county clerk for the use of the county, the sum of two dollars in each case, which shall be taxed in each case in favor of the party paying the same and recovering judgment. Entry fee.

Sec. 51. The clerk shall pay the said fees so received by him on or before the first day of each general term, to the county treasurer. Co. clerk to pay same to Co. treas'r.

General provisions concerning County Courts.

Sec. 52. In all cases of appeal from judgments rendered in justices courts, the provisions of law relating to the admissibility of the testimony of a party in the justice's court shall be applicable on the trial of any such cause in the county court. Testimony admissible on appeals.

Sec. 53. Parties to any civil cause or proceeding pending in any county court, may agree in writing upon the facts in such cause or proceeding, and submit the same to the court; and such court shall thereupon render judgment in the cause so submitted; and if either party shall be dissatisfied with such judgment, a bill of exceptions to the opinion of the court may be tendered, and the judgment removed to the circuit court for the same county by a writ of error. Cases may be submittd on statem't of facts by parties—bill of exceptions, &c.

Sec. 54. When an action founded upon contract is brought against several persons the plaintiff may be allowed at any time before judgment to discontinue as against any of the defendants upon such terms as the court shall direct; and a verdict may be taken for, or against one or more of several defendants. Pliff may discontinue as to one or more of several defendants on terms.

Sec. 55. If in any civil suit or criminal prosecution in any county court of this state, any question of law shall arise, which in the opinion of the presiding judge shall be so important or doubtful as to make it advisable to require the opinion of the supreme court therefor, he shall report the cause so far as may be necessary to present such question of law, and transmit the same with all con- Case res'v'd for opinion of supreme court.

venient speed to the clerk of the supreme court in the judicial circuit where the same originated; the clerk shall file the same in his office, and at the next session shall present the same to the supreme court for their determination, and the opinion of said court thereon shall be certified with such instruction as to said supreme court may be necessary, to the county court, and all proceedings in the county court shall be stayed until the decision of the supreme court shall be certified back to the county court, and the said clerk shall have the same fees as are allowed in cases sent from the circuit court.

Direction &
service of
process.

Sec. 56. All process from county courts shall be directed to the sheriff of the proper county, and may be served by such sheriff, or by any of his deputies, or any by person specially deputed therefor by the court: *Provided*, That in cases where the sheriff is a party to the suit the process shall be directed to one of the coroners of the county.

Amicable
suits.

Sec. 57. Amicable suits may be entered by the parties thereto, without process, and thereupon the same pleading shall be made, and the same proceedings had, as in other cases.

Records of
courts.

Sec. 58. Each county shall provide all books necessary for keeping the records of its county court.

Return day
of process—
and when to
be served.

Sec. 59. Every summons, attachment or writ of replevin, issued by the clerk of the county court in pursuance of the provisions of this act, shall be made returnable on the first day of the general term next ensuing the date thereof, and at ten o'clock in the forenoon of said day, and shall be served at least six days before the time of appearance therein mentioned; *Provided*, That every summons, attachment or writ of replevin, issued in term, or within six days previous to the first day of any general term, shall be made returnable on the first day of the next succeeding general term and at the hour aforesaid.

New trials,
setting aside
verdicts &c.,
in county
courts.

Sec. 60. The county courts shall have power and authority to grant new trials, and to set aside all non-suits and verdicts, in as full and ample a manner as the circuit courts now have; and all the general provisions of the revised statutes of 1846 relating to the powers and duties of courts of record at law, shall apply to the county courts, so far as the same are not inconsistent with any provisions respecting the said courts, and the proceedings and practice therein, in this act contained, and no farther.

Sec. 61. If from sickness or any other cause the judge of any county court shall fail to attend at the proper time and place for holding the court, or at the time to which any cause may stand continued, no such cause or any suit commenced therein, or appeal, shall in consequence thereof become discontinued; in which case all such suits, appeals and causes, shall stand continued to the next general term, unless the county judge or second judge shall appear and proceed to hear the same, within six hours after the time appointed for the hearing of the same.

Where Co. judges do not appear to try cause suit continued to next term.

Of Mortgages.

Sec. 62. On default being made in the payment of any money secured to be paid by a mortgage of real estate accompanied by a note, bond or other obligation of the mortgagor, or containing a covenant or express agreement for the payment of money secured thereby, such mortgage may in all cases where the sum due and secured with interest thereon does not exceed the sum of one thousand dollars, be foreclosed and collected in the county court for the county in which the mortgaged premises are situated, in the manner hereafter provided.

What mortgages may be foreclosed in county courts.

Sec. 63. The mortgagee, his heirs or assigns, on any payment of the principal or interest becoming due on such mortgage, may make and file a complaint as commencement of suit in the county court as in other cases of a demand for money, and prosecute such suit to final judgment as in other cases, or take judgment by confession, for such amount as may be found due on such mortgage and its accompanying obligations, and when such judgment is entered, the judge or clerk of the county shall endorse on the back of such mortgage, the amount and date of such judgment, which endorsement shall have no other and further effect than to exhibit the proceedings in such case.

Suit and judgment against mortgagor.

Sec. 64. The party against whom judgment may be rendered as provided in the last preceding section, may enter bail therein for the stay of execution as in other cases, and if at the end of the time for which said execution be stayed, the amount of such judgment, with interests and costs, or any part thereof remains unpaid, the plaintiff in such judgment, his heirs, assigns, or legal representatives, may at his or their election, take out an execution thereon against the defendant and against his bail, or may have an order of

Stay of execution on such judgment. Execution and order for sale of mortgaged premises and proceedings thereon.

court for the sale of the real estate described in such mortgage, or of so much thereof as may be necessary to satisfy said judgment, interest, cost and expenses of sale. The sale of such premises shall be made by the sheriff under, and by virtue of such order, and be advertised, proceeded in, and made in all respects in conformity with the law for the sale of real estate on execution; and such sale shall have the same effect as the sale of mortgaged premises on foreclosures of mortgages by advertisement, pursuant to the statute in such cases made and provided, except that the time of redemption of the mortgaged premises shall be sixty days and no longer.

Time for redemption in such cases to be sixty days.

Proceedings where no stay is put in and redemption in such cases.

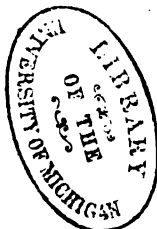
Sec. 65. If a mortgagor against whom judgment is rendered as provided for in the preceding sections, does not enter bail for the stay of execution, the plaintiff may in like manner, at his election, take out an execution against such defendant, or he may have an order for the sale of the mortgaged premises as above provided, or of so much thereof as may be necessary to satisfy such judgment, with the interest and costs. On a sale of mortgaged premises, when no bail has been put in for the stay of execution, the mortgagor, or party in interest in such premises, shall have the same length of time to redeem the mortgaged premises that is allowed by law in case of sales under foreclosure by advertisement.

Sec. 66. If in any case a party plaintiff, in a judgment founded upon a mortgage, shall elect to take execution against the defendant and his bail, and such execution shall be returned by the officer to which the same shall have been delivered, unsatisfied in whole or in part, such plaintiff shall be entitled on application to a judge of the court, to an order of sale of so much of the mortgaged premises as may be necessary to satisfy the amount so due and unpaid, and such order shall be proceeded on in the same manner and with the like effect, as when the plaintiff elects to take an order of sale as above provided.

Of Certiorari.

Sec. 67. No appeal shall be allowed of any cause tried or determined by a county court, but in all cases of judgment rendered by such court, in any civil suit, either party thinking himself aggrieved or injured by such judgment, or by any opinion or direction of the

Removal of causes by certiorari into the Ct. court.



Order for sale after execution return'd unsatisfied and proceedings thereon.

court, may remove the cause by bill of exceptions, certiorari or writ of error, into the circuit court, for the same county in which such judgment was rendered.

Sec. 68. The party intending to apply for such certiorari shall give to the judge of the county court rendering the judgment, within ten days after the rendition of the same, a notice in writing of the intention to remove the case to the circuit court, and shall within the same time make or cause to be made an affidavit setting forth the substance of the testimony and the proceedings in the county court and the grounds upon which an allegation of error is founded.

Notice of intention to remove cause, and affidavit thereupon.

Sec. 69. Such affidavit shall within thirty days after the rendition of the judgment, be presented to the circuit judge or circuit court commissioner of the proper county, and if he shall be satisfied that an error affecting the merits of the controversy has been committed by the court or jury in the proceedings, he shall allow the certiorari by endorsing his allowance thereon.

Affidavit to be presented to circuit judge or circuit court commissioner for allowance of writ.

Sec. 70. The party thus obtaining a certiorari shall execute to the opposite party, a bond with one or more sufficient sureties to be approved by the circuit judge or circuit court commissioner, in a penalty double the amount of judgment for debt, damages and costs, conditioned to prosecute such certiorari to effect, and abide the judgment of the circuit court therein and pay all debts, damages and costs that may be awarded against him, which bond need not be executed by the party procuring certiorari, if executed by two or more sureties satisfactory to the officer allowing the certiorari.

Bond to be given by party obtaining certiorari.

Sec. 71. The affidavit required by section sixty-eight of this act shall within ten days after the allowance of the certiorari, be filed in the office of the clerk of said circuit court, and thereupon the said clerk shall forthwith issue a writ of certiorari in the common form heretofore in use, as near as may be.

Filing of affidavit and issue of writ.

Sec. 72. Such writ of certiorari shall within thirty days after the date thereof, or within such further time as the circuit judge or officer allowing the same, shall in such allowance direct, be served upon the judge by whom the judgment was rendered, together with the bond given and a copy of the affidavit on which the certiorari was allowed; and the sum of eight cents per folio shall be paid to the said judge, for his fees for making a return to the writ, and no writ of certiorari shall be of any effect, until all the pre-

Service of certiorari & effect thereof.

ceding, requisitions shall have been fully complied with; and if the certiorari, bond and affidavit shall be served upon the judge before execution issued upon the judgment, it shall stay the issuing thereof; and if the execution shall have been issued, the court issuing it shall give the party a certificate of the issuing and service of the certiorari, which being served upon the officer having the execution shall suspend the same.

Returns of
county
judge.

Sec. 73. The county judge, before the return day of such certiorari, or within ten days after the service thereof, shall make return thereto in writing and file the same; in which return he shall truly and fully answer to all the facts set forth in the copy of the affidavit on which the certiorari was allowed, and shall cause the certiorari, bond and copy of the affidavit and his return thereto, to be attached together and filed in the office of the clerk of the circuit court of his county.

Circuit court
may compel
returns.

Sec. 74. The circuit court may compel such judge to make or amend such return by rule, order or attachment, as the case may require.

How argu-
ment may
be brought
on.

Sec. 75. When such return shall be filed in the office of the clerk of the circuit court, the cause may be brought on to argument at the next term of the circuit court thereafter, without any assignment or joinder in error, unless there be an allegation of error in fact, and without furnishing any other copy or copies of the affidavit or certiorari, and return to the court or the opposite party, than those filed with the clerk.

Judgment
of circuit
court there-
on.

Sec. 76. The circuit court shall proceed in all cases of bills of exceptions, certiorari and writs of error, to give judgment in the cause as the right of the matter may appear, without regarding technical omissions, imperfections or defects in the proceedings before the county court, not affecting the merits, and may affirm or reverse the judgment of the county court, in whole or in part, or give such other judgment as justice shall require, and may in its discretion remand the cause to the county court and order a new trial. In case of a remand and order for a new trial the county court shall proceed to try such cause the same as in other cases.

Costs on
judgments
in such ca-
ses.

Sec. 77. If the judgment be affirmed, costs shall be awarded to the defendant in error; if reversed, costs shall be awarded to the plaintiff in error, unless in such judgment a new trial be ordered,

in which case the costs in such reversal shall be in the discretion of the court; and if judgment be affirmed in part, the costs may be awarded as to the court shall seem just.

Sec. 78. No judgment in a county court shall be reversed in whole merely for the omission or misrecital of an oath, nor on account of any fees having been improperly allowed by the court, nor on account of any informality or insufficiency of any bond given by the party bringing the certiorari, provided another bond to be approved by the court shall be given within such time as the court shall direct.

Judgments in county courts not be reversed for certain omissions, &c.

Sec. 79. If a judgment in the county court be collected and afterwards reversed, the circuit court shall award restitution of the amount so collected with seven per cent interest from the time of such collection, if the party claiming the award, present to the court satisfactory evidence of the fact of such collection having been so made at any time before judgment is rendered in the circuit court, and issue execution for the collection of the same.

When restitution to be awarded by circuit court.

Of Costs.

Sec. 80. So much of the provisions of chapter 149, of the revised statutes of 1846, as relates to costs and the recovery thereof in courts of law, shall be applicable to all civil actions commenced in the county courts, except as hereinbefore provided, and except also in cases of appeal from justices courts.

Sec. 81. Either party in the county court, wishing the taxation of costs, may give forty-eight hours' notice to the other party, of said taxation; and costs in the county courts may be taxed by the clerk or the circuit court commissioner.

Taxation of costs.

Of Crimes, Misdemeanors, &c., and Proceedings therein.

Sec. 82. The county shall not be chargeable to the sheriff for any services in attending the county court, except in criminal cases, unless the judge shall enter an order in the journal of the court requiring the attendance of such sheriff.

When county chargeable for services of sheriff.

Sec. 83. Whenever, in the opinion of the judge of the county court, the prosecuting attorney and county clerk, or in the opinion of a majority of them, it shall be proper to have a grand jury, an order to that effect shall be entered in the journal of said court, which order shall specify the time at which such grand jury shall

When order for grand jury shall be entered.

be returned in said court. Upon such order being made, the clerk shall draw from the grand jury box the names of twenty-three persons to serve as grand jurors. Hereafter no grand jury shall be summoned in the circuit court.

Indictments
to be tried in
Co. courts,
unless per-
son elect to
be tried in
circuit
court—pro-
ceedings in
such case.

Sec. 84. All indictments found by the grand jury in any county court shall be tried in such court, unless the person indicted shall in writing, filed with the clerk, at the time he may be required to plead, elect to have the same tried in the circuit court; in which case the clerk shall make an entry in his journal of such election, and shall transmit the indictment and a copy of the record of the proceedings of [to] the circuit court, which shall thereafter possess said cause, with full power to try or otherwise dispose of the same, and the defendant shall stand committed, or recognize, with sureties, as the case may be, for his appearance on the first day of the next succeeding term, to the circuit court for said county. And a petit jury shall be empaneled and sworn for the trial of said causes, in the same manner as is now provided in chapter 103, of the revised statutes of 1846 for the trial of criminal causes.

When petit
jury to be
summoned.

Sec. 85. Whenever after the session of a grand jury, it shall be deemed proper by the county judge to have a petit jury summoned, he shall cause an order therefor to be entered upon the journals of the court, which order shall specify the number of petit jurors, and which shall not be less than twelve, nor more than twenty-four, and the time at which said jury is to be returned. Upon such order being made, the clerk shall draw from the petit jury box, the names of persons equal to the number mentioned in the order, who shall be summoned in the manner now required by law. In the trial in the county court of criminal causes the mode of proceeding shall be the same as heretofore in practice in the circuit court in like cases, as near as may be practicable. Hereafter no petit jurors shall be summoned in the circuit court except in cases hereinbefore mentioned.

Continu-
ance of
criminal ca-
ses.

Sec. 86. Criminal cases may be continued by the court to the next regular term of the county court and recognizance shall be taken for the appearance of the defendant on the day to which the cause is continued, and in case there shall be no jury then in attendance, a jury shall be obtained in the manner prescribed by the

thirty-second and thirty-third sections of chapter one hundred and three of the revised statutes.

Sec. 87. Every juror summoned to attend as a juror in the county court under any of the provisions of this act, shall attend and serve as such juror unless excused by the court; and for every neglect or refusal so to attend shall be subject to fine in the same manner as jurors regularly chosen and summoned to attend a circuit court.

Penalty for non-attendance as juror.

Sec. 88. That chapter ninety-two of the revised statutes of 1846, and all acts amendatory thereto; also an act to provide for holding special elections in case of vacancy in the office of county judge and second judge of the county courts, and so much of an act to regulate and define the jurisdiction of the circuit and county courts as is inconsistent with the provisions of this act be and the same are hereby repealed and all the provisions of this act shall be valid, any law to the contrary notwithstanding.

Chapter 92 of R S and certain acts repealed.

Sec. 89. The repeal of the acts mentioned in the preceding section, shall not affect any act done or right accrued or established; or any proceeding, suit or prosecution had or commenced in any civil case previous to the time when such repeal shall take effect; but every such right and proceeding shall remain as valid and effectual as if the provision so repealed had remained in force, except the mode of trial of appeals and the continuance of causes now pending in the county courts in civil actions.

Such repeal not to affect acts done or rights accrued.

Sec. 90. No prosecution for any offence or recovery of any penalty or forfeiture pending at the time any statutory provision shall be repealed, shall be affected by such repeal, but the same shall proceed in all respects as if such provision had not been repealed, except that all such proceedings, had after the time when this act shall take effect, shall be conducted according to the provisions thereof and shall be, in all respects, subject to said provisions.

Prosecutions pending under repealed acts to be proceeded in, &c.

Sec. 91. Any county court may upon good cause shown, change the venue in any cause or matter pending therein, and direct the issue to be tried in the county court of some adjoining county, and shall make all necessary rules and orders for certifying and removing such cause or matter to the court in which such issue or matter shall be ordered to be tried or heard; and the court to which such cause or matter shall be removed, shall proceed to hear, try and

Change of venue of actions in Co. courts.

Proceedings to and after judgment in such case.

determine the same, as if such cause or matter had been originally commenced therein: and execution may thereupon be had as in other cases, except that in all criminal cases where the defendant shall be convicted and be sentenced to imprisonment in the common jail, the court awarding sentence shall direct that the defendant be imprisoned in the common jail of the county in which the prosecution was commenced.

Criminal
jurisdiction
of county
courts.

Sec. 92. The county court shall have jurisdiction of all prosecutions in the name of the people of this state, for all crimes, misdemeanors, offences and penalties, and shall have appellate jurisdiction in cases of appeal arising under chapter ninety-four of the revised statutes of 1846.

Approved April 2, 1849.

[No. 220.]

AN ACT to incorporate the Monroe and Flat Rock Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alexander M. Arzeno, William Munger, Abner Hard, Daniel C. Vreeland, Ransom Curtis, Robert Duff and Gouverneur Morris be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Flat Rock plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Monroe and Flat Rock plank road company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from Monroe, in the county of Monroe, upon the line of the territorial road, to the village of Flat Rock, in the county of Wayne.

Capital.

Sec. 3. The capital stock of said company shall be eighty-five thousand dollars, divided into shares of twenty-five dollars each.

Duration of
charter—its
amendment,
repeal, &c.

Sec. 4. This act shall be and remain in force for the term of six years from and after its passage, but the legislature may at any

time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 221.]

AN ACT to amend sections 18, 20, 24, and 28, of title 9, chapter 41, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections eighteen, twenty, twenty-four and twenty-eight of title nine, chapter forty-one of the revised statutes of 1846, be and the same are hereby amended as follows: Sections 18, 20, 24 and 28 of chapter 41, R. S. amended.

Amend section eighteen by striking out the word "when" in the seventh line and inserting the word "unless," also, by striking out the word "against," in the ninth line and inserting the words "in favor of," so that said section shall stand as follows:

"Sec. 18. The township boards may severally license for their respective townships, so many persons to be tavern keepers and retailers therein as they shall think the public good may require; and the mayor, recorder and aldermen of each incorporated city, may in like manner license tavern keepers and retailers in their cities respectively: *Provided*, That no license for the sale of intoxicating liquors shall be granted in any city, village or township, unless a majority of the qualified voters thereof shall have voted at the next pre- Section 18, chapter 41, R. Statutes, as amended.

ceding township or charter election therein, in favor of the granting of such licenses as hereinafter provided."

Amend section twenty, by striking out "unless prohibited," in the second and third lines, and inserting the words "when permitted," so that said section shall stand as follows:

Section 20,
chapter 41,
R. Statutes
as amended.

"Sec. 20. The mayor, recorder and aldermen of each incorporated city and the corporate boards of incorporated villages, may, when permitted as aforesaid, license for their cities and villages respectively, as many persons to be common victuallers as they shall think the public good may require, and every such license shall contain such a specification or description as is required in the preceding section, of the street or other place, and of the building where the person so licensed shall exercise his employment; and the license shall not protect him from the penalties provided in this chapter, for exercising it in any other place."

Amend section twenty-four by striking out the words "be prohibited," in the third line and inserting the words "not have been permitted," so that said section shall stand as follows:

Section 24,
chapter 41,
R. Statutes
as amended.

"Sec. 24. Any license to a tavern keeper, retailer or common victualler, may if the applicant require it, or if a license for the sale of intoxicating liquors shall not have been permitted as aforesaid, be so framed as to authorize the licensed person to sell beer, ale, cider, or any other fermented liquors, except wines, and not to authorize him to sell brandy, rum or any other spirituous liquors or wines; in which case the sum to be paid for such license shall not be less than two nor more than eight dollars."

Amend section twenty-eight by striking out all after the word "box," at the end of the fourth line, so that said section shall stand as follows:

Section 28,
chapter 41,
R. Statutes
as amended.

"Sec. 28. Each person qualified to vote for the officers to be elected at such election, may deliver to the inspectors, or one of them, a ballot having written or printed thereon the word "license," or the words "no license," which ballot shall be deposited in said box."

Approved April 2, 1849.

[No. 222.]

AN ACT to amend an act entitled "an act to incorporate the Jackson Mining Company of Jackson."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled "an act to incorporate the Jackson mining company of Jackson," be and the same is hereby amended by striking out all after the word "the" in the 5th line of said section and inserting the following to stand in lieu thereof: "Jackson iron company for the purposes of iron making and the manufacturing of the same in its various branches, and for supplying coal and ore for the business aforesaid in the upper peninsula of the state of Michigan," so that the section as amended shall read as follows:

Charter of Jackson Mining Co. amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William A. Ernst, John Western, Abram N. Berry, Fairchild Farrand and Philo M. Everett, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Jackson iron company, for the purpose of iron making and manufacturing the same in its various branches, and for supplying coal and ore for the business aforesaid, in the upper peninsula of the state of Michigan."

Section 1 as amended.

Sec. 2. That section four of said act is hereby repealed and the following substituted in lieu thereof to stand as said section:

"Sec. 4. All the property belonging to said company whether personal or real, the whole amount of capital actually paid in upon the capital stock of said company, also of all sums of money borrowed by said company and any investment of any portion of the net profits of said company in the business of said company, which shall be considered as so much capital paid in, shall be liable to assessment and taxation in the township or county where the same is situated, belonging to the company, the same as any other real or personal property, and all such tax may be collected by distress and sale of any of the company's property by the collector of the proper township; and when no personal property is to be found in any township, where the company are taxed for real estate owned by them, the tax shall be returned and collected in the same manner as other non-resident taxes."

Section 4 as amended.

Title of act amended. Sec. 3. That the title of said act be and the same is hereby amended by striking out the word "mining" and inserting the words "iron manufacturing," in lieu thereof, so that said title as amended shall read as follows: "an act to incorporate the Jackson iron manufacturing company of Jackson."

Approved April 2, 1849.

[No. 223.]

AN ACT to incorporate the Grand Rapids Hydraulic Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Coggershall, Thomson Sinclair, Charles Shepard, Canton Smith and James M. Nelson, and their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of the "President and directors of the Grand Rapids hydraulic company," and are hereby ordained, constituted and declared to be, forever hereafter, a body corporate and politic in fact and in name; and by that name, they and their successors shall, and they may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law, capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation, provided that the real and personal estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Real estate of Co.

Capital stock—subscriptions hereto, &c.

Sec. 2. That the capital stock of the said corporation shall not exceed thirty thousand dollars, and that a share in the said stock shall be fifty dollars; and that subscriptions to the said capital stock shall be opened, and kept open under the direction of said president and directors, until the whole number of shares subscribed amount to six hundred shares, when the said president and direct-

ors may commence operation under this act, and may make thereafter, from time to time such regulations concerning further subscriptions to stock, as to them shall seem proper to enable the said company to enlarge or carry into operation their works; and especially as to when further subscriptions to the capital stock may be opened and made, and what amount of stock, from time to time may be subscribed, until the whole, or any part of said capital stock shall be subscribed.

Sec. 3. That the stock, property and concerns of said company shall be conducted and managed by five directors, who shall be stockholders, and residents of the said village of Grand Rapids, Directors, their term of office, election, &c. which directors shall hold their office for one year from the first Tuesday of May, in every year; and the said directors shall be elected on the first Tuesday in May in every year, at such time of day, and at such place within the village of Grand Rapids, as the directors for the time being, or a majority of them shall appoint; and public notice thereof shall be given by said directors, not less than twenty days previous to the time of holding the said election, by advertisement to be inserted in at least one public newspaper printed in said village; and the said election shall be made by such of the stockholders of the said company as shall attend for that purpose in their proper persons, or by proxy, which proxies shall be stockholders, and all elections shall be by ballot: and the five persons who have the greatest number of votes at any election shall be the directors: and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorized to vote at such election, shall proceed to ballot a second time and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of five. And the said directors as soon as may be after their election shall proceed in like manner to elect by ballot one of their number to be their president: and if any of the directors so to be elected, shall at any time remove out of the village of Grand Rapids, the office of such director or directors shall be considered as vacant: and if any vacancy or vacancies shall at any time happen among

the directors by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them shall appoint: That the first directors shall be George Coggershall, Thomson Sinclair, Charles Shepard, Canton Smith and James M. Nelson, who shall hold their offices until the first Tuesday of May next: and the said first directors, at their first meeting shall proceed to appoint their president.

Powers of directors.

Sec. 4. That the directors shall have power to appoint the time and place of all meetings for the despatch of business, to appoint all such officers, agents, clerks, superintendents and servants, as they shall deem necessary for carrying into effect the powers by this act vested in said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents, clerks, superintendents and servants.

Objects of incorporation and powers of Co. in relation thereto.

Sec. 5. That it shall be lawful for the said company and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of, for the sole purposes contemplated by this act, any land which may be necessary for the purpose of conducting a plentiful supply of pure, wholesome water to the said village, for the use of the inhabitants of said village, and to supply reservoirs for extinguishing of fires. Said supply of water shall be obtained from the springs of water in and about said village; from Cold Brook; from the lake or lakes, from which it has its source, or from either of them, and from no other source; and to erect any dam or other works across said Cold Brook or springs where they shall judge proper for the purpose of raising the water of said Cold Brook, springs, lake or lakes, and to construct, dig, or cause to be opened, any trenches for the conducting of such water from said springs, Cold Brook, lake or lakes, that they may see fit; and to raise and construct such dykes, mounds or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to the said village. The said Grand River hydraulic company shall not use the water or improvements made or obtained under this act of incorporation for the purpose of propelling any machinery, or for any other purpose than that of supplying the village of Grand Rapids with a pure,

wholesome supply of water for household purposes and domestic uses, and to supply reservoirs for the extinguishing of fires; and the said company shall not, in any manner, injure or interfere with any water power; and to agree with the owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her, or them for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they or any of them may sustain, by the employing, diverting or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes or mounds as aforesaid, but in case of any disagreement, or in case the owner of any such lands, tenements or hereditaments, shall be *femme covert*, under age, non compos mentis, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them, upon the application of either party, to nominate and appoint three indifferent persons to view, examine and survey the said lands, tenements and hereditaments, and to estimate the injuries sustained as aforesaid, and to report thereupon to the said judge or judges, without delay, and upon the coming of such report, and the confirmation thereof by the said judge or judges, the said president, directors and company shall pay to the said owners respectively, the sums mentioned in such report, in full compensation for the said lands, tenements and hereditaments, or for the injury sustained as aforesaid, as the case may be. And upon such payment, the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the said judge or judges, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such case, then a deposit with the treasurer of the county of Kent, of the amount of money assessed as the valuation or damages in manner as aforesaid, together with a certified copy of the said report, shall be considered equiv-

May agree with owners of land, &c. for compensation to be paid therefor.

Proceedings in case of disagreement.

Report of jury of view and proceedings thereupon.

alent to a payment or a tender thereof to the person entitled to the same; and the treasurer of said county shall receive and keep account of all moneys so received into the said county treasury, and shall pay them to the parties entitled thereto, on the order of the said judge or judges, for said county; and such assessment of damages when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person or persons to whom damages were awarded in manner aforesaid, and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed in manner aforesaid. The said three indifferent persons to be appointed as viewers, and to appraise the damages as aforesaid, shall receive such compensation for their services as the said judge or judges may, in their discretion deem proper and just, which shall be paid by the said company upon the order of said judge or judges. And the said company and all those who have acted under them, shall be acquitted from, and freed from responsibility for or on account of any such injury. But nothing in this section shall be construed to grant any rights, or give any privileges inconsistent or repugnant to the constitution of this state or of the United States.

Notice of
application
for appraisal
of damages.

Sec. 6. Whenever application shall be made to the said judge or judges by either party to nominate three indifferent persons to view, examine and survey the said premises as hereinbefore prescribed, for the purposes of ascertaining and assessing said damages, previous notice of such application shall be given to the owner or occupier of such premises, either by personal service of such notice ten days before making such application, or by public advertisement, for three weeks previous to such application, in some newspaper printed in Kent county; and if there be no such paper printed in said county, then such notice shall be published in the state paper, if there be one; and if there be none, then in some newspaper nearest the place where such works are proposed to be constructed. Such notice to describe the lands, tenements and hereditaments proposed to be taken by said company, or touching which damages are to be assessed, by the section or quarter section, or any other legal subdivision, or if in a village, by the section, block or number of the lot, or by some suitable or proper description. And

evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, such affidavit to be made within three months after the last publication of such notice, shall be prima facie evidence of such facts set forth.

Sec. 7. That it shall be lawful for the said company hereby incorporated, and for all and every persons employed by, or under them, for the purposes contemplated by this act, from time to time, to enter upon any lands contiguous or near to said stream, fountains, aqueducts, dams or other works, or the places which may be selected for, and intended to be used and employed for the same, with carts, wagons and other carriages, and beasts of draught and burthen and all necessary tools and implements both for executing and making, and also for altering and repairing said works, or any of them, and to take and carry away timber, stone, gravel, sand or earth, from the same, for the making, altering or repairing of the said works, or any of them, subject always to the making compensation for all actual damages thereby occasioned, either by agreement of parties or in the mode hereinbefore prescribed.

Company
may enter
upon lands,
&c.

Sec. 8. That it shall be lawful for the president and directors of said company, from time to time, to make and establish such by-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this state and the United States, for conducting and managing the affairs of said company, and for conducting and preserving the said works and every of them, and for conveying, employing, distributing and disposing of the water so as to be conducted as aforesaid, and for carrying into effect all the objects and purposes of said corporation: and may also agree with the corporation of the said village of Grand Rapids, the inhabitants of said village, and others choosing to use or take said water, regarding the rates at which the same shall be paid for: *Provided*, That the said company shall within five years from the passage of this act, furnish and continue with no unreasonable delay, a supply of pure and wholesome water, sufficient for the use of all such citizens dwelling in the said village, as shall agree to take it on the terms to be demanded by said company: in default whereof, the said corporation shall be dissolved.

By-laws of
company.

Sec. 9. That it shall be lawful for said directors to call and de-

Assessm'ts on shares. mand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times, and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

Trespasses on works of company. Sec. 10. That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said works, or any pipe, conduit, canal, water-course, mound, plug, cock, reservoir, dyke, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by such company with costs of suit, and by action of debt in any of the courts of this state, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state.

General provisions. Sec. 11. Said company shall be entitled to all the benefits, and subject to all the restrictions of chapter fifty-five of the revised statutes of 1846, so far as the same be applicable and not inconsistent with this act. The legislature may at any time hereafter amend or repeal this act.

Approved April 2, 1849.

[No. 224.]

AN ACT to incorporate the Union Mining Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Ramsay Crooks, John J. Palmer, Daniel S. Miller, Robert Hyslop, Charles W. Borup and John R. Livingston, and others who shall be associated with them, are hereby constituted a body corporate by the name of the Union mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing of any stock of any bank, or for any other purposes than those herein particularly specified.

Sec. 2. The said company shall have corporate succession, its capital stock shall be one hundred and fifty thousand dollars, divided into ten thousand shares of fifteen dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of said company may require to an amount not exceeding the capital stock.

Sec. 3. The officers of said company shall consist of a president and a board of five directors, each owning in his own right not less than twenty shares of stock, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan upon whom the service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said mining company.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money, which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes upon the real estate of said company, and any investment of any portion of the net profits of said company in the business of said company shall be considered as so much capital paid in and shall be included in the returns to the state treasurer, hereinbefore required.

1st meeting. Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants of this state—how enforced, &c. Sec. 6. Any inhabitant of the state of Michigan shall have a lien upon the stock, appurtenances and entire property of said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company: and any person may enforce said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of said court that he has claim under the provisions of this section, and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this state, so far as the same may be applicable.

Business office. Sec. 8. The said company shall, within six months after the passage of this act, by a vote of the board of directors, locate their business office or offices, and file in the office of the secretary of state, (of Michigan,) a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Duration of charter—its amendment, repeal, &c. Sec. 9. This act shall take effect and be in force for thirty years from and after its passage; and the legislature may at any time alter, amend, or repeal this act after the limitation thereof, by a two-third vote, or at any time for a violation of the provisions thereof.

Office of company. Sec. 10. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at

such place as the by-laws of the company may designate and direct.

Approved April 2, 1849.

[No. 225.]

AN ACT in relation to Testimony in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That on the trial of any cause between any person and any railroad company of this state or the agent or servant of such railroad company, wherein payment is claimed for any article or articles of traveling baggage retained or lost by said company, or their agent or servant, the owner of such baggage shall be permitted to testify in open court in relation to the contents and value of the said article or articles of baggage; and such testimony so given shall have the same effect as if the person so testifying had no interest in the result of such suit: *Provided*, No judgment shall be rendered on such testimony alone, for a greater sum than one hundred and fifty dollars.

Owners of lost baggage may testify in suits vs. R R Co. for recovery of the value thereof.

Sec. 2. Suit may be brought for any article or articles of baggage lost or detained, against the railroad company to whom the same was delivered, or against the agent or servant of such company to whom the same was delivered.

Approved April 2, 1849.

[No. 226.]

AN ACT providing for the payment of the Fees of certain officers for services rendered in criminal cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any person accused of and about to be tried for any crime or misdemeanor, shall make it appear to the satisfaction of the judge presiding over the court wherein such trial is to be had, by his own oath or otherwise, that there is a material witness for his defence within the jurisdiction of the court, without whose testimony he cannot safely proceed to trial (giving the name and place of residence of such witness;) and that the accused is poor and cannot obtain the means to pay for

Defendants witness fees in criminal cases to be paid by Co. in certain cases.

subpoenaing such witness, the judge may, in his discretion, grant an order requiring the proper officer to cause any such witness or witnesses as he may think proper, to be subpoenaed; the expenses whereof shall be audited and allowed the same as other proper charges against the county.

Approved April 2, 1849.

[No. 227.]

AN ACT to alter and lay out a certain State Road.

Comm'rs to
alter certain
road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elijah F. Bissell, Augustus E. Burnes and John F. Gilkey or a majority of them be and they are hereby authorized to alter, lay out and straighten the road leading from the village of Allegan, in the county of Allegan, through the county of Kalamazoo to the village of Battle Creek, in the county of Calhoun, in such a manner as they, in their discretion may deem proper; and shall file the surveys of such alterations in the office of the township clerk of each township in which such alterations shall be made, and it shall be the duty of each township clerk to record the same in the record book of the township through which said road may pass.

State not li-
able for ex-
penses
thereof, &c.

Sec. 2. That the state shall not be liable for any damages that may arise from the laying out and working of those portions of said road so altered as aforesaid, or for any expenses or damages sustained by the reason of this act; and in case the said road shall not be laid out, straightened and altered as aforesaid, in one year from the passage of this act, the provisions herein contained shall be void.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 228.]

AN ACT to authorize the Supreme Court to make Rules regulating the practice in the Circuit and County Courts, in case where a non-joinder or mis-joinder of parties occur.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supreme court shall have power and it shall be its duty to establish rules for the circuit and county courts for the following purposes, to wit:

Supreme court to establish rules for circuit and county courts in certain cases.

1st. To effectually prevent the defeat or abatement of any civil suit *ex contractu* for either any non-joinder or mis-joinder of parties where the same can be done consistently with justice.

2d. To provide for all necessary amendments of process, pleadings or other proceedings in such case.

3d. To provide the manner by which a discontinuance may be entered against parties improperly joined in any suit, and by which parties improperly omitted may be joined in the suit and brought in to answer thereto, if within the jurisdiction of the court.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 229.]

AN ACT to lay out, alter and establish a Public Highway on Section one, Township two North, of Range eleven East, in the Township of Troy, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of the township of Troy, in the county of Oakland, be, and they are hereby appointed commissioners, whose duty it shall be to examine the highway which now runs in a west or southwesterly direction across section one, town two north, of range eleven east, in the township of Troy, in said county, and to make such alterations in and lay out and establish such highway as they shall deem necessary and proper.

Highway coman're of Troy to alter certain road.

Sec. 2. That said commissioners, or a majority of them, shall cause an accurate survey and plat of said highway to be made, as they shall alter or lay out the same on said section one, and shall

Survey of road to be filed.

file said plat and survey in the office of the township clerk of said township of Troy, within ninety days from and after the passage of this act; and the said township clerk shall forthwith endorse thereon the day of the filing thereof, and record the same at full length in some proper book to be kept in his office; and upon filing the survey and plat aforesaid, the land described in said survey and plat shall be a public highway.

Payment of
expense.

Sec. 3. That the expenses of altering, laying out and establishing such highway shall be paid out of the township treasury of said township of Troy.

Power of
comm'rs.

Sec. 4. The said commissioners to have the same power as commissioners of highways of townships now have in adjusting and satisfying the damages which may be claimed by any person through whose lands such highway shall be laid, and in case of disagreement as to the amount of damages, the same proceedings to be had as are now provided by law.

Sec. 5. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 230.]

AN ACT to revive and continue in force certain sections of an act entitled "an act to prescribe the powers and duties of Justices of the Peace in civil proceedings," approved April 9th 1841.

(certain sec-
tions of act
No. 49 of
1841 revived
and amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 of an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9, 1841, be and the same are hereby revived and continued in force.

Sec. 2. That section 119 be amended by striking out the word "circuit," and inserting in lieu thereof the word "county." That section 120 be amended by striking out the word "circuit," and insert "county." That section 121 be amended by striking out the word "sixty," and insert "fifteen," strike out also the words "one of the justices of the supreme court," and insert the "circuit court commissioner," also the word "circuit," in the twelfth line of said section, and insert "county." That section 123 be amended by stri-

king out the word "supreme," and insert "county." That section 125 be amended by striking out the word "circuit," and inserting "county." That sections 129, 130, 131, 132 and 133 be amended by striking out the word "circuit," wherever it occurs in said sections and insert in lieu thereof the word "county."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 231.]

AN ACT in relation to the terms of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a term of the supreme court of the state of Michigan shall be held in the fifth judicial circuit, at Grand Rapids, in the county of Kent, in each and every year, at a time to be appointed by the judges of the said supreme court, which shall be in addition to the terms now held in pursuance of law.

Term of Sup. court to be held in 5th circuit at Grand Rapids.

Sec. 2. The said court may direct a special term thereof to be held at the place above named whenever they shall deem it necessary, by an order therefor, which they shall cause to be published at least thirty days before the time appointed, in some paper printed at the seat of government.

Special term in said circuit, &c.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 232.]

AN ACT to authorize Richard H. Conner to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Richard H. Conner be, and he is hereby authorized to execute a deed or deeds in due form, of the pieces or parcels of land described in a certain deed bearing date the ninth day of August, A. D. 1847, executed by Basillique

R. H. Conner authorized to convey real estate.

St. Aubain, of the township of Hamtramck, in the county of Wayne, state of Michigan, to Basilique Elizabeth Conner, wife of the said Richard H. Conner, and recorded in the register's office of the said county of Wayne, in liber number thirty three, folio one hundred and sixty-nine and one hundred and seventy, to any person or persons who may purchase the whole or any part thereof; and any such deed or deeds duly executed and recorded shall be deemed a legal conveyance to the grantees therein named, as fully as if the same had been executed by the said Basilique Elizabeth Conner in person in her life time.

Grantor to
give bond,
&c.

Sec. 2. Before the said Richard H. Conner shall sell the said pieces or parcels of lands, and execute any deed or deeds therefor, under the provisions of this act, he shall execute and deliver to the judge of probate of the said county of Wayne, a bond in such penalty as said judge shall direct, conditioned that he, the said Richard H. Conner, will invest the proceeds of such sales in other real estate, or in some productive stock, or put the same at interest for the benefit of the heirs of the said Basilique Elizabeth Conner: *Provided*, That no sale by the said Richard H. Conner shall be valid or binding unless the judge of probate of the said county of Wayne shall endorse upon the deed or deeds to be executed his approval of such sale.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 233.]

AN ACT to amend section four of chapter one hundred and sixteen of the Revised Statutes of 1846.

Section 4 of
chapter 116
of R. S. a-
mended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of chapter one hundred and sixteen of the revised statutes of 1846, be amended by adding to said section four the following: "And when it may be necessary to institute suit against any corporation which may have ceased to do business or to keep up its organization by the appointment of officers or otherwise, it shall be competent to serve any writ, declaration or other process in such suit, on either of the per-

sons who may have been the last presiding officer, president, cashier, secretary or treasurer thereof; and such service shall be as effectual to all intents and purposes as if made on such corporation: and in every such case where by the existing provisions of law, the property of individual members of any such corporation vested in its corporate funds, or the shares or stock of any individual member in such corporation are subject to be levied upon by virtue of any execution, attachment or other process, for the payment of his individual debts, such levy may be made by leaving with any of the persons aforesaid, or with the officer or person having the custody of the books of such corporation, an attested copy of such execution, attachment or process; and such property, funds or stock may be sold as is now provided by law."

Approved April 2, 1849.

[No. 234.]

AN ACT in relation to the Recorder of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the recorder of the city of Detroit, shall have and exercise the same powers as are now exercised by the circuit court commissioner of the county of Wayne. Powers of recorder of Detroit.

Sec. 2. The recorder is authorized to demand and receive the same fees for the services so rendered as are now by law permitted to be demanded and received by the circuit court commissioner. Fees.

Sec. 3. This law shall take effect immediately after its passage.

Approved April 2, 1849.

[No. 235.]

AN ACT to incorporate the Grand Lodge of Free and Accepted Masons of the state of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jeremiah Moors, as grand master, Paul B. Ring, as deputy grand master, John Stewart, as grand senior warden, William H. McCumber, as grand junior warden, Levi Cook, as grand treasurer, and James Fenton, as Incorporation.

grand secretary, with their associates and successors, be and they hereby are incorporated and declared a body politic and corporate in deed and in law, by the name and style of the grand lodge of free and accepted masons of the state of Michigan.

Powers of
corporation.

Sec. 2. Said grand lodge shall have succession and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors shall have a common seal and may change and alter the same at their pleasure; and that they and their successors, by the same name shall be persons in law capable to purchase, take, receive, hold and enjoy, to them and their successors, estates real and personal, provided that the value of such real and personal estates shall not exceed the sum of twenty thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, lease, demise and dispose of the said real and personal estate or any part thereof at their will and pleasure; and that they and their successors shall have power from time to time, to make, constitute, ordain and establish such by-laws, ordinances and regulations as they shall judge proper for fixing the times and places of the meeting of the said corporation, and for regulating all the affairs and business of the said corporation, provided such by-laws and regulations shall not be repugnant to the constitution and laws of the United States, or of the state of Michigan.

General pro-
visions.

Sec. 3. This act shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same may be applicable.

Restrictions
as to bank-
ing, &c.

Sec. 4. It shall not be lawful for said company to use their funds, or any part thereof, in any banking or brokerage, or exchange, or in buying or selling money, or bank notes, or in any other business whatever, except that especially provided for by this act.

Liability of
stockhold-
ers.

Sec. 5. The stockholders of this corporation shall be individually liable for all debts incurred by said company to the amount of stock by each of them severally held: *Provided*, That the corporate property shall be first exhausted, before the private property of any member of said company shall be taken.

Sec. 6. The legislature may at any time alter, amend or repeal this act.

Approved, April 2, 1849.

[No. 236.]

AN. ACT to incorporate the St. Clair Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Pierce G. Wright, Charles Kimball, Horatio N. Monson, Simeon B. Brown, Harmon Chamberlin, John E. Kitton and Marius H. Miles, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the St. Clair plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the St. Clair plank road company, with corporate succession.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of St. Clair in the county of St. Clair, to such point in the town of St. Clair, on the line of the Fort Gratiot turnpike as the company shall judge best, with the right of uniting said road at any point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be twenty thousand dollars in four hundred shares of fifty dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature, that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alterations or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act.

Sec. 2. This act shall take effect from and after its passage.
Approved April 2, 1849.

[No. 237.]

AN ACT to vacate certain village plats in the counties of Calhoun and Ottawa.

Part of village plat vacated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the plat of the village of Tekonsha lying east of Mason street, also all that part of said village lying on the south side of the mill race, from Mason street westertly to where said race terminates in the river; also all that part of said village lying south of the river from the point where the race terminates in the river, be and the same is hereby vacated.

Village plats of Victoria and Port Sheldon vacated.

Sec. 2. The village plats of the villages of Victoria and Port Sheldon, in the county of Ottawa, shall be and are hereby vacated; and hereafter the lands upon which said villages were platted, shall be assessed in the same manner as other lands are upon which village plats have not been made.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 238.]

AN ACT relative to convicts sentenced to solitary imprisonment in the State Prison for life.

Convicts sentenced to solitary confinement to be employed as other convicts, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the convicts which have been or may be sentenced to "solitary confinement in the state prison at hard labor for life," may be released from solitary confinement and employed as other convicts are, whenever and for such times as the inspectors may by resolution direct, until such time as

proper cells are prepared to enable such sentence to be fully enforced.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 239.]

AN ACT to create a road fund for the benefit of the State Road between Lansing, Ingham County, and Eaton Rapids, in Eaton County, and to authorize the appointment of a Commissioner to expend the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That for the purpose of improving the road leading from Lansing, in the county of Ingham, to Eaton Rapids, in Eaton county, there is hereby appropriated to be expended, as hereinafter provided, the unexpended highway tax which was assessed for the year 1848, and all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of two miles each way from the centre thereof: *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description, shall be deemed appropriated as aforesaid.

N R high way taxes appropriated on certain road.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the governor is hereby authorized to appoint a special commissioner; and said special commissioner, in expending the moneys that may be subject to his control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners: and said special commissioner, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county.

Special com'r—his powers and duties.

List of non
resident
lands to be
made by
com'r, &c.

Sec. 3. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of the road for which he was appointed, and deliver the same to the treasurer of the county, who shall thereupon open an account with the Lansing and Eaton Rapids road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the said special commissioner, in pursuance of the provisions of the next section of this act.

Payment of
contractors.

Sec. 4. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon for the amount due such person upon the Lansing and Eaton Rapids road fund, and it shall be the duty of the county treasurer of the county to pay the same out of any moneys belonging to said fund.

Compensation of com-
missioner—
now audited
and paid.

Sec. 5. Said special commissioner shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Eaton county and shall be paid out of any moneys belonging to his portion of the Lansing and Eaton Rapids road fund in the treasury of that county.

Vacancy,
how filled.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed,

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 240.]

AN ACT appropriating certain Non-resident Highway Taxes for the improvement of the Road running from the village of Howell, in the county of Livingston, through the Townships of Hartland, Highland and White Lake, to the village of Pontiac, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all such non-resident highway taxes as may be collected for the year eighteen hundred and forty-eight, and for five years thereafter, for one mile each way from the centre of the road running from the village of Howell, in the county of Livingston, through the townships of Hartland, Highland and White Lake, to the village of Pontiac, in the county of Oakland, shall be appropriated for the improvement of said road.

N R high-
way taxes
appropri-
ated on cer-
tain road.

Sec. 2. A special commissioner shall be appointed by the governor, who in expending all moneys which may become subject to his control by the provisions of this act, shall be governed by the same laws, as far as they are applicable, as are now or may hereafter be in operation, for the government of township highway commissioners.

Special
comm'r—his
powers and
duties.

Sec. 3. It shall be the duty of said special commissioner before entering upon the duties of his office, to take and subscribe an oath to faithfully perform said duties, and also to file in the office of the county treasurers of Oakland and Livingston counties, a bond in the penal sum of five hundred dollars each, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurers to prosecute the same in the manner prescribed by law for the prosecution of bonds against county officers.

Oath and
bond of
comm'r.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of September next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Livingston and Oakland road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office, for non-resident highway taxes upon any of the

List of non-
resident
lands to be
made by
comm'r.

land described in said list, and charge said fund with all moneys drawn by said special commissioner.

Payment of
contractors.

Sec. 5. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same, in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer of the county, where said labor or materials are done or furnished, who shall pay the same from any moneys in his hands standing to the credit of said road fund.

Compensa-
tion of com-
missioner—
how audit-
ed and paid.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered, in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day, for the time employed in carrying out the provisions, and his accounts for such time, verified by his oath, shall be audited by the board of supervisors of the counties of Livingston and Oakland, and shall be paid from any moneys standing to the credit of said fund: *Provided*, That nothing in this act shall be so construed as to contravene any act for the improvement of roads crossing this road.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 241.]

AN ACT to authorize Adrian Union School District number one to borrow money for the purposes therein mentioned.

Loan au-
thorized to
be raised by
Adrian Un-
ion S Dis-
trict No. 1.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the legally constituted officers of Adrian union school district number one, to borrow, on the faith and credit of said district, any sum of money not exceeding ten thousand dollars, for a term not exceeding fifteen years, at a rate of interest not exceeding seven per centum per annum, and to execute bonds therefor, under the seal of the corporation of said district, (said seal to be such as the said school district shall adopt) and the signatures of the said officers of said dis-

trict: *Provided*, That no such loans or bonds shall be made as aforesaid, until after the subject shall have been submitted to the qualified electors of said district, for their approval or rejection.

Sec. 2. For the purpose of determining whether said loan shall or shall not be made, the electors of said district may at an election to be held in said district, on the first Monday in June next, vote thereon by ballot, and every ballot in favor of said loan shall have written or printed thereon the word "loan—yes," and every ballot against said loan, shall have written or printed thereon the words "loan—no." The officers of said district shall give notice of the said election, which shall be held on the first Monday of June next, as aforesaid, by publishing a notice thereof in one or more newspapers published in the village of Adrian, which said notice shall state the name [time] and place of holding such election, and the purpose for which the same is to be held, and shall cause said notice to be published for three weeks successively, previous to the time of holding said election. The officers of said district shall act as inspectors of said election, and shall be first sworn to the faithful discharge of their duties, as such inspectors. All ballots given for or against such loan at such election, shall be received and counted by the inspectors of such election, and the result of such vote shall be certified by such inspectors, and placed on file in said district and recorded in the record book of said district, and no such loan as aforesaid shall be made unless it shall appear from such certificate that a majority of the lawful electors voting at such election shall have voted in favor thereof.

Assent of electors of said district required.

Sec. 3. The money to be borrowed by authority of this act, shall be invested and expended in the building of a school house in said district, and for no other purpose.

Investment of proceeds of loan.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 242.]

AN ACT to vacate the Plat of the Village of Sharon, in the County of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the recorded plat of the vil-

Village plat of Sharon vacated.

lage of Sharon, situate in the county of Washtenaw, and lying upon the east half of the south east quarter of section twenty-nine, (29) in township three (3) south of range three (3) east, as the same is recorded in the office of the register of deeds of said county of Washtenaw, be and the same is hereby vacated, and the right, title and interest of, in, and to all streets, alleys and public squares in the plat hereby vacated, shall revert to and vest in the person or persons who are or were the lawful owner or owners of said plat, or any lot or lots thereof, on the day of the date hereof, and to his or their heirs forever; *Provided*, That if either of the said streets shall now be used in connection with, or as any portion of any public highway, the same shall be excepted from the operation of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 243.]

AN ACT to incorporate the village of Port Huron.

Village of
Port Huron
incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of Port Huron, embraced within the following limits, to wit: commencing on the bank of the St. Clair river, one half mile below the mouth of Black river, thence west one half mile, thence north to the south line of the United States military reserve, thence east along said south line to the St. Clair river, and thence southerly along said St. Clair river and including all wharfs and anchorages therein, to the place of beginning, be and the same is hereby constituted a town corporate, to be known by the name of the village of Port Huron.

Annual election of officers.

Sec. 2. The electors of said village may meet at some convenient place therein, on the first Monday of May next, and on the first Monday of May in each year thereafter, and proceed to the election by a plurality of votes, of a president, recorder, six trustees, two assessors, a marshal and treasurer, who shall hold their offices respectively for the term of one year and until their successors are elected and qualified, and if an election shall not be held on the day

above named, the said corporation shall not be thereby dissolved, but said election may be held pursuant to notice given therefor as hereinafter prescribed.

Sec. 3. At the first election, before opening the polls, the electors present shall choose viva voce, two judges and a clerk of said election, who shall take the constitutional oath to discharge their duties; and at all subsequent elections, the president and trustees or any two of them, shall be judges, and the recorder, clerk of the election; and at all elections under this act, the polls shall be opened between the hours of nine and ten in the forenoon and close at five o'clock in the afternoon, and the election shall be conducted, the votes counted and the result thereof declared publicly to the electors in the manner prescribed for town elections, and the clerk shall make a record thereof, and within five days after the election, notify the persons elected of their election.

Inspectors
of election—
canvass and
return of
votes, &c.

Sec. 4. The president, recorder and trustees, shall be the village council, and shall be a body corporate and politic with perpetual succession, to be known by the name of the "president and trustees of the village of Port Huron," and may have a common seal, which they may alter at pleasure; may sue and be sued, prosecute and defend in any court, and when any suit shall be commenced against the corporation, the first process shall be a summons, which shall be served by leaving an attested copy with the recorder or his deputy, at least eight days before the return day thereof.

President &
trustees in-
corporated.

Sec. 5. The officers of said village before entering upon their duties shall take the oath prescribed by the constitution of this state, for the faithful discharge of their respective duties.

Oath of of-
ficers.

Sec. 6. The president shall preside at all meetings of the council and of the village, and in case of his absence, the trustees shall choose one of their number to preside in his place, and it shall be the duty of the recorder to attend all such meetings, and keep a full and fair record of all the proceedings thereof, and to appoint a deputy, who in his absence shall perform all the duties of the recorder and for whose acts the recorder shall be liable. Said appointment shall be under the hand and seal of the recorder, and said deputy shall take the above prescribed oath, before entering upon his duties.

President &
recorder.

Sec. 7. The president and trustees shall have power to establish

Powers of
president
& trustees.

by-laws, rules and regulation for the government of said village, and the same to alter, repeal or re-ordain at pleasure. To provide for the election of any subordinate officers that may be deemed necessary, and to prescribe their duties; and to prescribe the duties of the marshal and treasurer, and the fees they and the recorder shall receive for their services, and fix the necessary security for the performance of their duties; to prescribe reasonable fines and penalties for the violation of the by-laws and regulations of the corporation; to provide for security against fires; to provide for the construction of suitable side-walks and for the improvement of the streets, lanes and alleys; to provide for the removal of nuisances and obstructions from the side-walks, streets, alleys, commons and all other places within said village: and for the preservation of the public health, they shall be a board of health for said village, and shall have the same powers for said village that township boards of health now have by law in their respective townships, and the recorder shall keep a record of their proceedings as such board of health in the records of said village.

Ibid.

Sec. 8. The corporate board of said village shall be subject to and have the privileges and benefits of all general laws prescribing the duties of or granting powers to city or village corporations.

Semi-annual statement of receipts and expenses.

Sec. 9. The president and trustees shall once in each six months make out and publish a correct statement of the receipts and expenditures of the preceding six months.

Village taxes.

Sec. 10. The electors of said village in legal meeting assembled shall have power to lay taxes on all real and personal estate in said village, not exceeding one per cent. upon said real and personal estate in one year, and shall by vote, viva voce, determine at such meetings the amount of said taxes.

Special meeting.

Sec. 11. In case the first meeting above provided for shall fail to be held on the day above prescribed, then any five of the electors of said village may call said meeting at any other time at some convenient place, giving notice thereof as hereinafter provided to be given by the president or senior trustee for other meetings.

Notice of meetings.

Sec. 12. All meetings of said village for the election of officers, levying taxes, or for any other purpose, shall be called by the president or senior trustee (with the exception provided for in section eleven) by posting up written or printed notices thereof in at least

three public places in said village, at least six days before the time of holding said meeting, specifying therein the time and place of said meeting, and the purpose for which the same is called.

Sec. 13. The president and trustees shall make out a tax roll in duplicate, giving the valuation of the property in said village, as assessed by the assessors, with the amount taxed to each tax-payer and parcel of property assessed and taxed, and shall make the same as nearly as may be, similar to township tax rolls, and shall, under their hands and seals, affix a warrant thereto directing the manner of the collection of said taxes, and shall deliver the same to said marshal whose duty it shall be to collect said taxes in pursuance of said warrant and at the time and in the manner prescribed by the by-laws, and shall pay over the same to the village treasurer as the by-laws shall prescribe.

Sec. 14. Said marshal shall have the same power to sell personal estate for the collection of taxes as is given by law to township treasurers, and for want of personal estate he shall have power to levy upon and sell the real estate upon which the tax is assessed, and shall prosecute and make such sale in the same manner and with the same effect in all respects, and shall give notice thereof, as is provided by law for the sale of real estate on execution: *Provided*, That the first publication of said notice shall be at least six months prior to the day of sale, and any real estate so sold may be redeemed by the owner or his or their representatives, at any time within one year from the date of sale, on paying to the purchaser or to the treasurer for the use of the purchaser, the amount for which the same was sold with ten per cent. interest.

Sec. 15. For the imprisonment of every person liable to imprisonment under the by-laws and ordinances of said village, said village shall have the use of the common jail of St. Clair county, and all persons committed to said jail for any such liability shall be under the charge of the sheriff of said county as in other cases: *Provided*, That the county shall thereby be involved in no expense, and that all charges for the keeping of persons thus committed to said jail, shall be paid by the said village.

Sec. 16. The president and trustees of said village shall receive no pecuniary compensation or fees for their services under this act,

unless the same shall be authorized by the voters of said village in legal meeting assembled.

This a public act.

Sec. 17. This act shall be received in all courts of justice as a public act and shall be favorably construed, and no further proof shall be required hereof than is required for any other general law or statute.

Sec. 18. This act may be altered, amended or repealed by the legislature with the assent of two-thirds of both houses.

Sec. 19. This act shall take effect immediately.

Approved April 2, 1849.

[No. 244.]

AN ACT to provide for the maintenance and support of the State Prison, at Jackson, and for the completion of the Main Building thereof.

Completion of main building of State Prison authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the agent and inspectors of the state prison, at Jackson, be, and they are hereby authorized to erect and build, or cause to be erected or built and completed, the centre or main building of said prison, now in part built.

Expenditures on the same.

Sec. 2. The auditor general is hereby authorized and required to draw his warrant on the treasurer for such sums as the inspectors of the prison shall from time to time direct; but such sums so drawn at any one time, shall not exceed one thousand dollars, and no further sum shall be drawn until satisfactory vouchers are presented to and allowed by the auditor general for the amount previously drawn.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 245.]

AN ACT to amend "an act to establish an Asylum for the Deaf and Dumb and Blind, and also an Asylum for the Insane of the State of Michigan," approved April third, eighteen hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section ten of the act entitled "an act to establish an asylum for the deaf and dumb and blind, and also an asylum for the insane of the state of Michigan," approved April third, eighteen hundred and forty-eight, be and the same is hereby amended by adding to said section the words following: "they shall have power and it shall be their duty to select and designate some suitable location or locations for the site of said asylums, and file a description thereof in the office of the secretary of state." Act amend-
ed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 246.]

AN ACT to amend an act entitled "an act to amend and consolidate the act to incorporate the Stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto," approved March twenty eight, eighteen hundred and forty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section sixteen of the act entitled "an act to amend and consolidate the act to incorporate the stockholders of the Michigan insurance company of Detroit, approved March seventh, eighteen hundred and thirty four, and the several acts amendatory thereto," approved March twenty eight, eighteen hundred and forty-nine, be and the same is hereby amended by striking out the word "thirty," in the first line of said section, and inserting in lieu thereof the word "ninety." Act amend-
ed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 247.]

AN ACT to vacate certain streets and an alley in the village of Byron, in the county of Shiawassee.

Streets and
alley in By-
ron vacat-
ed.

Provido.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of Hamilton street as lies between blocks fifteen and twenty-two running from Saginaw street to the Shiawassee river, and so much of Emmet street as runs from Saginaw street to Shiawassee river, situate between blocks number eighty-three, eighty-four, ninety-three and ninety-four; also an alley running between said blocks number ninety-three, ninety-four, eighty-three and eighty-four, in the village of Byron in the county of Shiawassee, be and the same are hereby vacated, and the land formerly laid out for the use of said streets and alley shall revert to the owner or owners of village lots lying contiguous to the same: *Provided*, The consent in writing of the owners of land adjoining the said streets and alley be first had and obtained and recorded in the office of the register of deeds of said county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 248.]

AN ACT to create a road fund for the benefit of the main Road between Jackson and Lansing, and to authorize the appointment of a Commissioner to expend the same.

Appropriation of M R highway taxes on certain road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the road leading from Lansing, in Ingham county, by way of Mason, to Jackson, in Jackson county, there is hereby appropriated to be expended, as hereinafter provided, the unexpended highway tax which was assessed for the year eighteen hundred and forty-eight, and all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of two miles each way from the centre thereof; *Provided*, That if any lot or description not exceeding eighty acres of land

(owned by non residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description, shall be deemed appropriated as aforesaid.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the governor is hereby authorized to appoint a special ^{Special com'r—his powers, &c.} commissioner; and said special commissioner, in expending the moneys that may be subject to his control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners: and said special commissioner, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county.

Sec. 3. It shall be the duty of said special commissioner, on or ^{List of M. R. lands, &c.} before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of the road, and deliver the same to the treasurer of Ingham county, who shall thereupon open an account with the Jackson and Lansing road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the said special commissioner, in pursuance of the provisions of the next section of this act.

Sec. 4. It shall be the duty of said special commissioner, in pay- ^{Payment of contractors and others.} ment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon for the amount due such person upon the Jackson and Lansing road fund, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to said fund which is derived from the taxes which come under the provisions of this act.

Sec. 5. Said special commissioner shall be entitled to receive a sum not exceeding one dollar per day for the time actually em-

Compensation of commissioner, and audit and allowance there-of.

employed by him in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Ingham county and shall be paid out of any moneys belonging to the Jackson and Lansing road fund in the treasury of that county.

Vacancies, how filled.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed,

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 249.]

AN ACT giving the Circuit Courts jurisdiction in actions of Ejectment.

Ejectment suits may be brought in circuit court

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That actions of ejectment may be brought in the circuit court for the county wherein the lands sought to be recovered, are situated, and proceeded in agreeable in all things to the provisions of chapter one hundred and eight of the revised statutes of eighteen hundred and forty-six, except that no jury shall be required to try the same unless demanded by one or other of the parties to the suit prior to the day of trial, or unless ordered by the court, and in case no jury be empaneled for the trial, such cause shall be tried by the court in the manner intended by section four of chapter one hundred and three of said revised statutes, "where the parties agree in writing to dispense with a jury."

Approved April 2, 1849.

[No. 250.]

AN ACT to lay out a certain State Road.

Comm'rs to lay out state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Martin, Robert Verney, and Frederick Guif, be and they are hereby authorized and appointed commissioners to lay out and establish a state road on the most eligible route from some point on the lake St. Clair, in the township

of Grosse Point, in the county of Wayne and state of Michigan, northwesterly to the Gratiot road, so called.

Sec. 2. The expense of laying out said road, shall in no way be chargeable to the state, and the acts of a majority of said commissioners shall be valid. State not liable, &c.

Sec. 3. It shall be the duty of said commissioners to cause a survey of said road to be made and recorded in the office of the township clerk of said township, which survey shall be certified to by them. Duty of commiss'rs.

Sec. 4. The owners of lands through which said road may pass, shall be entitled to an appraisal and assessment of damages, and to compensation therefor, in the same manner in every respect as if such road was laid out by the highway commissioners of said township. Appraisal of damages.

Sec. 5. It shall be the duty of the highway commissioners of said township to open and work said roads in the same manner and by virtue of the same laws as township roads are required to be opened and worked: *Provided*, The right of way be first obtained as provided in this act. Duties of cert'n in highway com'rs.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 251.]

AN ACT to incorporate the Pittsburgh and Isle Royal Mining Company of Pittsburg.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Irwin, William F. Irwin, John A. Forsyth, Waterman Palmer and John K. Finley and others who shall become associated with them, are hereby constituted a body corporate by the name of the Pittsburgh and Isle Royal mining company of Pittsburg, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in Isle Royal of the state of Michigan. Incorporation.

Sec. 2. The said company shall have corporate succession, its capital stock shall be one hundred and fifty thousand dollars, divided into six thousand shares of twenty-five dollars each, and the said Capital and real estate of company

company may acquire and hold such real and personal estate in Isle Royal of Michigan, as the business of the company may require, to an amount not exceeding the sum of one hundred and fifty thousand dollars.

Officers and
assessments
on shares.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, each owning in his own right not less than ten shares of stock, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock and forfeit and sell the same for non-payment of any such assessment in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Pittsburgh and Isle Royal mining company of Pittsburgh: *Provided*, That until the first annual meeting of the said company after its organization under this act, John Irwin, William F. Irwin, John A. Forsyth and Waterman Palmer of Pittsburgh, and John K. Finley of Niles, shall be and continue, and they and their successors are expressly constituted, directors of said company, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax &
annual re-
port.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose, the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other taxes

on the real estate of said company, and any investment of any portion of the net profits of said company, in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the state treasurer hereinbefore required.

Sec. 5. The first meeting of said company shall be held at such ^{1st meeting} time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the state shall have a lien upon the ^{Lien of in-} stock, appurtenances, and entire property of said company for all ^{habitants of} claims and demands against said company, to the amount of one ^{this state.} hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 7. Said company shall be subject to the provisions of chap- ^{General provisions.} ter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Sec. 8. The said company shall, within six months after the first ^{Business of-} election of the officers thereof, by a vote of the board of directors, ^{Sec.} locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state a certificate specifying the place of such location; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Sec. 9. This act shall take effect and be in force for thirty years ^{Duration of} from and after its passage, and the legislature may at any time al- ^{charter} ter, amend or repeal this act after the limitation thereof, by a two-third vote, or at any time for any violation of the provisions thereof; *Provided*, That it shall not be lawful for said company to use their funds or any part thereof in any banking or brokerage or exchange, or in buying or selling money or bank notes, or stocks of any kind, or in any other business whatever, except that specially provided for by this act.

Approved April 2, 1849.

[No. 252.]

AN ACT to amend an act to organize certain Townships, approved March 15th, 1849.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section fifteen of "an act to organize certain townships and for other purposes," approved March 15th, 1849, be and the same is hereby amended by adding after the words "fourteen west" the following words: "lying south of Grand river."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 253.]

AN ACT to authorize the Wardens and Vestry of Trinity Church in Marshall, to convey certain real estate.

Wardens &
Vestry of
Trinity
Church in
Marshall
authorized
to sell lot.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the wardens and vestry of Trinity church, in Marshall, or a majority of them, are hereby authorized to sell and convey by a good and sufficient deed, all the right, title and interest of said church, of, in and to lot number two, of block number thirty-four, situated in said village of Marshall, and county of Calhoun.

Approved April 2, 1849.

[No. 254.]

AN ACT to provide for the sale of certain State Tax Lands, and Lands withheld for Taxes, and for other purposes.

Sec 101 chap
20 R S re-
pealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one hundred and one or chapter twenty of the revised statutes of eighteen hundred and forty-six be and the same is hereby repealed, and the following substituted in lieu thereof:

Sec 101 sub-
stituted.

"Sec. 101. All lands heretofore bid off, or that may hereafter be bid off to the state for taxes, shall continue to be offered for sale for taxes of subsequent years, at the same time and in the same

manner as other lands; but when so offered, if the title of the state arising from sales for taxes of prior years, shall not have been sold or otherwise discharged, previous to the time of offering said lands for the taxes of the subsequent year or years, then said lands shall be struck off to the state, subject to redemption as in other cases, or to be sold, as other lands when the title of the state for the prior years' taxes shall have been disposed of."

Sec. 2. All lands, subject to be sold as state tax lands, shall here-
after be first offered at the annual tax sales, and the sale or offer-
ing for sale of the same shall be concluded, before the commence-
ment of the sales of lands for the taxes of subsequent years.

Sec. 3. It shall be the duty of the auditor general to prepare lists
of all lands heretofore withheld from sale for taxes, on account of
having been bid off to the state for taxes of previous years, and
which shall remain unredeemed or otherwise undisposed of, stating
the amount due on each description for the taxes, interest and char-
ges for each year, for which it was so withheld, including interest,
as heretofore prescribed by law, at the rate of twenty-five per cent.
per annum, from the time of being withheld to the day of sale; and
the lands embraced in said lists shall be advertised and sold, at the
same time and in the same manner, and under the same conditions
and restrictions, as other lands sold for taxes, except as hereinafter
provided.

State tax
lands to be
offered at
annual tax
sale.

And. Gen'l
to make an-
nual lists of
withheld
lands—ad-
vertisement
and sale
thereof.

Sec. 4. The lands mentioned in the preceding section shall be
offered for sale, next after the sale or offering for sale of the state
tax lands in the several counties, and in the order of the years, for
the taxes of which they were severally withheld; and all lands not
sold or discharged, as state tax lands, shall be struck off to the state
for the taxes of the several years for which they were withheld, sub-
ject to redemption as in other cases, or to the sale of the state bid,
when the title of the state for taxes of former years shall have been
disposed of; and in case of the sale or discharge of any description
as state tax land, if the same shall not be sold to the same or other
purchasers for the taxes of the years for which it was withheld, it
shall be struck off to the state; and when so struck off for one year,
it shall be struck off to the state for each subsequent year, for
taxes of which it may have been advertised to be sold.

Time and
manner of
such sale.

Aud. Gen'l
to make an-
nual list of
lands bid in
for the state
for prece-
ding years
for sale sub-
ject to re-
demption.
&c.

Sec. 5. In addition to the lists of lands bid in for the state, on which the time of redemption may have expired, the auditor general shall also furnish to each county treasurer, a list of all lands bid in for the state at the last preceding annual tax sale, on which the redemption would expire at or about the time of the next ensuing sale for taxes, and which shall be offered for sale as other state tax lands, subject to the right of redemption or purchase existing or provided by law, when struck off to the state; and if said lands shall not have been redeemed, or the state bid purchased, within the period provided by law, the purchaser shall be entitled to a deed, as in case of the sale of other state tax lands; and if redeemed, he shall be entitled to the purchase money paid by him when the lands were so last sold; *Provided*, That no such lands, on which the state has a lien for prior years, shall be sold until the title for the taxes of prior years shall have been disposed of.

State tax
lands unsold
after being
twice offer-
ed to be sold
to highest
bidder.

Sec. 6. All state tax lands remaining unsold or otherwise undisposed of, after having been twice offered as state tax lands at public sale at the annual tax sales, shall at the next ensuing tax sale, be offered for sale to the highest bidder, without reference to the minimum now established by law, or the cost to the state of each parcel, in taxes, interest and charges; but said state tax lands shall be sold subject to the same conditions and restrictions in other respects, as are now or may hereafter be provided by law, in regard to other lands of the same class; and lands offered for sale under the provisions of this section, shall be offered for sale, prior to the sale of other state tax lands.

Advertis-
ment of tax
sales.

Sec. 7. The publication of the lists of land to be sold for taxes for eight weeks successively next previous to the first Monday of October in each year, as required in section seventy-one of chapter twenty of the revised statutes, shall be construed to mean eight publications once a week next preceding the said first Monday of October.

Approved April 2, 1849:

[No. 255.]

AN ACT to incorporate the village St. Mary.

Incorpora-
tion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the citizens of this state,

inhabitants of, and included within the following corporate limits, viz: commencing at the north-east corner of the military reserve, held by the United States, at a point where it touches the St. Mary; thence south, one mile; thence due west, two miles; thence due north, one mile, to said river St. Mary; and thence easterly, following the meanderings of the same, to the place of beginning. be and the same are hereby ordained, constituted and declared to be, from time to time, forever hereafter, a body corporate and politic in fact and in name, by the name of "the president, trustees, and citizens of the village of St. Mary;" and by that name they and their successors forever, shall, and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded in all suits of whatever nature soever, and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village.

Sec. 2. There shall be a meeting of the citizens of said village ^{General meeting.} holden annually, on the first Monday in June, for the purpose of choosing officers of said village, and the officers chosen at such meeting, shall continue in office until the second Monday of June then next, or until others shall be chosen and qualified in their stead.

Sec. 3. The citizens of said village in legal meeting assembled shall annually choose a president, two trustees, a clerk, a treasurer ^{Election of officers.} and a marshal, all which officers shall be chosen by ballot, and on each ballot which shall be given in, shall be written the name of the person for whom the same is given, and such ballot shall, by the person giving the same, in the presence of the president and trustees or such of them as are present at such meeting, be put into a proper box for that purpose by the said village provided, and when the citizens present at any such meeting shall have had a reasonable time to give in their ballots, the president, or in his absence, the senior trustee present, in the presence of the meeting shall open the box, sort and count the ballots, and the person who shall have a majority of the ballots given in, shall, by the marshal, or in his absence, by the junior trustee present, be declared to be elected, and no ballot shall be received after the box shall have been opened.

Village tax-
es.

Sec. 4. The citizens of said village, in legal meeting assembled, shall have the power to levy taxes on the polls and estate within the limits of said village, and on transient traders, for such purposes as said village shall think proper.

Duties of
marshal of
village.

Sec. 5. The marshal shall be the collector of such taxes, and in case of fines, is hereby authorized and required to collect and pay over to the treasurer, all such sums of money as shall be levied for the use of said village, within two months from the time of his receiving a warrant therefor, and the treasurer's receipt shall be his voucher, upon his settlement with the president and trustees, which shall be, when thereunto by them required, at the expiration of the two months as above. The marshal shall give ten days notice before he makes distress for the collection of any tax, and if the tax on any lot on which no personal property can be found, shall remain unpaid one month after the expiration of the two months, aforesaid, the said marshal shall give notice by advertisement in some newspaper printed in said village, or by posting such notice in five of the most public places in said village, of the amount of such tax, and the number or other description of the lot or lots on which it is due; and if such tax shall not be paid within one month after the date of such advertisement, the marshal may in such case proceed to sell so much of said lot or lots as will discharge the same. The marshal and treasurer shall, before they enter upon the duties of their office, give bond with sureties to the president and trustees and their successors in office, which bond with sureties to be approved by said president and trustees, conditioned for the faithful discharge of the duties of their respective offices. The treasurer shall pay over all moneys by him received for the use of the village, to the order of the president and trustees, and shall, when required, submit his books and vouchers to their inspection.

Power of
president &
trustees in
relation to
streets and
highways.

Sec. 6. The president and trustees are hereby empowered to lay out new highways, streets and public walks, for the use of said village, and to alter those already laid out in said village, and to exchange highways for highways or to sell highways for the purpose of purchasing other highways, taking in all respects the same measures as are or may be directed by the laws of this state, as near as may be; and the party aggrieved by the laying out of such street or highways, may have the same remedy by application to

the county courts, or otherwise, as is or may be provided in case of other highways: whenever such highways so laid out by said president and trustees may become unnecessary for public use, they may be discontinued by said president and trustees.

Sec. 7. The president and trustees, or a majority of them, shall have power to make by-laws relative to market and commerce within the limits of said village; relative to streets and highways of said village; relative to nuisances within said village limits; relative to wharves, channels, anchoring and moorage of vessels; relative to trees planted for shade, ornament, convenience and use, public or private; relative to trespasses committed in gardens; relative to walks and buildings, public and private; relative to sweeping of chimneys and preserving said village from injury by fire; relative to warning meetings of said village, and of said president and trustees, and the times and places when and where they shall be holden; relative to the mode of taxation, as to taxes to be levied in said village; relative to the penalties to be incurred by those who, being chosen to office, shall (not being excused by said village) refuse to serve; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, sheep, swine or any geese from going at large within the limits of said village; and to establish penalties for the breach of said by-laws: *Provided however*, That such penalties shall in no case exceed the sum of twenty-five dollars for one offence; and said penalties shall be payable to the treasurer, or to such other person as the by-laws shall direct, and be recoverable by action of debt, to be brought before any justice of the peace resident within said village or before any other competent authority: *Provided however*, That no by-laws of said village shall be repugnant to the laws of this state; *And provided also*, That all by-laws made by said president and trustees shall be published by advertisement, set up in the most public place within said borough, or in some newspaper printed therein, at least three weeks successively, before the same shall be of any validity.

Sec. 8. The marshal shall, within the limits of said village and on the waters of the same, have the same powers, authorities and privileges, and be liable to the same suits or penalties for neglect of duty in any case whatever, to all intents and purposes as constables by law have and are; and shall execute all lawful precepts to him

General
powers of
president &
trustees.

Powers of
marshal.

directed, whether issued by virtue of the by-laws of said village, or by the laws of the state within his said described limits.

Grant and
leases by
president &
trustees.

Sec. 9. All grants or leases of real estate belonging to said village, and sealed with the village seal, and approved by said village in legal meeting assembled shall be good and effectual in law, to convey the estate intended to be conveyed by such grant or lease: *Provided*, The same is recorded in the records of said village; and that said village shall have the power to appoint inspectors of every kind of produce brought to said village for sale or exportation; and the votes or choice of a majority of the citizens present at any legal meeting, shall be considered in all cases the vote or choice of said village; and the said village shall have power, in legal meeting assembled, to choose all other officers not enumerated in this act, which shall be necessary to carry the by-laws of said village into execution.

Oaths of of-
fice.

Sec. 10. The president, trustees, clerk, treasurer and marshal of said village, and inspectors of produce brought to said village, for sale or exportation, shall severally take and subscribe the oath prescribed by the constitution of this state within five days after they may respectively receive a notice of their election, which oath may be administered by any person qualified to administer such oaths by the laws of this state.

Vacancy in
office of pre-
sident, &c.

Sec. 11. Whenever the president or any other officer of said village shall resign, or be removed, by death or otherwise, another shall be chosen and sworn in his stead; and the president of said village, or in his absence, the senior trustee present at any meeting of said village, or of said president and trustees, shall be ex officio moderator thereof; and the meeting of said village may, from time to time, be adjourned by a majority of the citizens present; and the said village may at any time hold special village meetings, whenever, in the opinion of the president and trustees or a majority of them, the circumstance of the village require it.

Service of
process a-
gainst vil-
lage.

Sec. 12. Whenever any action or suit shall be commenced against said village, process against said village, may be served by the leaving of a copy of such process, attested by the proper officer, with the clerk of said village, or at his usual place of abode therein, whose duty it shall be to inform forthwith the president and trustees thereof; and it shall be the duty of the clerk to make

and keep a just and perfect record of all and every law and ordinance made and established by said village, and of all the corporate proceedings thereof; and the record so made by the clerk shall at all times be open to the inspection of any citizen of said village; and the president and trustees of said village are hereby authorized to fix and establish such fees to the clerk, treasurer, marshal and other officers of said village as to them shall seem necessary and proper.

Sec. 13. The first meeting of said village shall be holden on the ^{1st meeting.} first Monday in June next, at the school house in said village, at one o'clock in the afternoon, for the choice of a president, two trustees, clerk, treasurer and marshal, and to transact such other business as may be necessary, a copy of this section of this act, duly certified by any citizen and published in three public places within said village, at least five days before the said first Monday of June next, shall be a legal warning of the citizens of said village, to attend said first meeting. At said first meeting, and immediately preceding the opening of the polls, a moderator and clerk shall be chosen, by the proper electors viva voce, who shall see that the election is duly conducted and certified

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 256.]

AN ACT to change the name of the township of Ransom, in Hillsdale county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of the township of Ransom, in Hillsdale county, be changed to that of Bird. Name of town of Ransom changed to Bird.

Sec. 2. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 257.]

AN ACT to amend an act entitled "an act to incorporate the New Baltimore and Romeo Plank Road Company," approved April 3, 1848.

Act amend-
ed-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to incorporate the New Baltimore and Romeo plank road company," approved April 3, 1848, be amended by striking out of the third line of section two of said act the words "St. Clair," and insert in lieu thereof the word "Macomb."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 258.]

AN ACT to amend chapter ninety-four of the revised statutes in relation to criminal proceedings.

Convictions
in criminal
cases before
justices of
the peace
may be re-
moved by
certiorari to
circuit court

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a writ of certiorari to remove into the circuit court of the proper county a conviction had under the provisions of chapter ninety-four of the revised statutes of eighteen hundred and forty six, may be allowed on the application of the party convicted by the circuit judge or circuit court commissioner. The party desiring such certiorari, or some one in his behalf, shall apply for the same within twenty days after such conviction shall have been had, and shall make an affidavit specifying the alledged error or errors in the proceedings or judgment complained of.

Application
for writ and
affidavit of
error.

Sec. 2. If the person to whom application for such certiorari may be made, shall be satisfied that any error has been committed in the proceedings or judgment, he shall endorse upon the affidavit his allowance thereof.

Allowance
of writ.

Service of
and return
to certiorari

Sec. 3. The writ of certiorari and affidavit, shall be served upon the justice before whom such conviction was had, within ten days after such allowance; and the justice shall make a return to all the matters specified in such affidavit, and shall cause such writ, affida-

vit and return to be filed in the office of the county clerk of the county, within thirty days after the service of such writ.

Sec. 4. After the service of the writ of certiorari as provided in the preceding section, if the party convicted shall enter into recognizance with surety or sureties satisfactory to such justice or to the person allowing the certiorari, conditioned, that he will appear at the next term of the circuit court to be held in and for such county, and abide the order and determination of the court, the justice shall order that the sentence be suspended; and if the defendant shall have been committed to jail on such sentence, the justice shall order the jailor to set such prisoner at liberty, who is hereby required to comply with such order. The person receiving such recognizance shall within twenty days thereafter cause the same to be deposited with the county clerk.

Sentence to be suspended on recognizance given by party convicted, &c.

Sec. 5. The circuit court shall have power to compel a return or an amended or further return to all writs of certiorari issued under the provisions of this act.

Cir. court may compel return.

Sec. 6. It shall not be necessary for the defendant to appear in the said circuit court upon the prosecution of such certiorari, unless the court otherwise direct; nor shall any assignment or joinder in error be necessary, but the said court shall proceed to hear the parties and give judgment on the return made to such writ of certiorari, as the right of the matter may appear.

Def. need not appear on hearing of certiorari &c.

Sec. 7. At least four days notice of argument upon any such matter shall be given to the attorney general, or prosecuting attorney of the county where the offence was committed, in time, before the term at which a hearing is intended to be had.

Notice of argument.

Sec. 8. The circuit court in which the person so recognized shall be bound to appear, shall have power to continue such recognizance, or to require a new recognizance with further or other security, until a decision shall be had in such case; and in default thereof, the said court may commit the party so convicted to close confinement.

Contin'ance of recognizance.

Sec. 9. If the conviction and judgment of the justice be reversed, the circuit court shall discharge the defendant; but if the judgment of such justice be affirmed, the said circuit court shall order that such sentence be executed; and if the defendant shall have been let out of prison as hereinbefore provided, he shall be reman-

Effect of judgment of circuit.

ded back to such prison for the length of time that remained unexpired of his sentence at the period he was so let out of prison.

Court may
make order
to quash
proceedings
in certain
case.

Sec. 10. If at any time it shall appear to the said circuit court that the person prosecuting such certiorari was unreasonably delayed to bring on such cause for argument, the court may enter an order to quash such certiorari, and may also direct the sentence of the justice to be carried into effect.

Fees.

Sec. 11. The following fees shall be allowed and paid under the provisions of this act, for the services herein named; For making return to writ of certiorari, two dollars.

Sec 18 chap
94 R S re-
pealed.

Sec. 12. Section eighteen of chapter ninety-four of the revised statutes of eighteen hundred and forty-six, is hereby repealed.

Appeals from
justices in
criminal
case to be
transferred
to Co. courts
— proceed-
ings therein
&c.

Sec. 13 All cases of appeals from justices courts, in criminal cases, to the circuit courts, which are now or may be pending on the first Tuesday of May next, shall be on that day transferred by the county clerk to the county courts of the proper counties; and such appeals shall be tried by a jury drawn in pursuance of and according to the provisions of law in relation to criminal proceedings in county courts; and the said court shall have power to continue said causes from time to time and take the necessary recognizances of defendant or defendants, for their appearance, and in default thereof, to commit such person or persons until the day of trial, and also to require witnesses to enter into recognizances, with or without sureties in the discretion of the court, for their appearance at the county court on the day of the trial of such defendant or defendants.

Fines to be
imposed on
conviction,
under chap.
94 R. S.

Sec. 14. Any person convicted under the provisions of chapter ninety-four of the revised statutes of eighteen hundred and forty-six, of any offence mentioned therein, may be punished by a fine not exceeding one hundred dollars, or by imprisonment in the common jail of the county for a term not exceeding three months, or both in the discretion of the court.

Sec. 15. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 259.]

AN ACT making appropriations to defray certain expenses authorized for the year eighteen and forty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and the same are hereby appropriated out of the general fund: The following for expenses incurred during the sickness and for the interment of Hon. H. C. Noble deceased; to John Thomas, on account of the late H. C. Noble's funeral, twenty dollars; to C. R. Bascom, for crape, two dollars sixty-three cents; to B. S. Taylor, for medical services and attendance upon the late H. C. Noble, three dollars; to Dexter Philips, sixteen dollars; to Henry Birge, for team furnished legislative committee and committee of health enquiry, the sum of seventeen dollars: to Smith Tooker, three dollars; to Randall and Keller, two dollars; to James Jackson, one dollar; to M. F. Lockwood, for expenses to Corunna, nine dollars twenty-five cents; to Charles P. Bush, seven dollars seventy-five cents: to George Moran for silver furnished to make plate for coffin, one dollar; to C. H. Carr, for team to Corunna, ten dollars; to Case and Smith, for coffin and trimmings for same, eighteen dollars; to C. H. Thomson, for making and engraving coffin plate, three dollars; to D. McGilvra, the sum of fifty-one dollars fifty cents.

To W. Briggs, for one and a half dozen knobs for house and senate desk, fixing locks and chairs, eight dollars fifty cents; to J. C. Bailly, for stationery furnished secretary of the senate and clerks of house of representative, twelve dollars; to John Andrews, as a member of special committee for expenses in going to and from Kalamazoo, to canvass certain ballots, fifteen dollars; to Orlando Moffat, for same service, twelve dollars fifty cents; to proprietors of Flint Republican, two dollars; to Johnson Niles, for services and expenses in going to Jackson county, by order of house of representatives, nineteen dollars; to proprietors of Marshall Expounder, two dollars; to proprietors of Boston Daily Atlas, one dollar fifty cents; to proprietors of the New York Tribune, five dollars thirty-three cents; to proprietors of the New York Baptist Register, at Utica, fifty cents; to proprietors of the Albany Evening Journal, two dollars and sixty-eight cents; to proprietors of Oakland Gazette, two dollars; to proprietors of Michigan Christian Herald,

J Thomas.
C R Bascom
B S Taylor.
D Philips.
H Birge.
S Tooker.
Randall and
Keller.
J Jackson.
M F Lock-
wood.
C P Bush.
Geo Moran.
C H Carr.
Case and
Smith.
C H Thomp-
son.
D McGilvra
W Briggs.
J C Bailly.
J Andrews.
O Moffat.
Flint Rep.
J Niles.
To proprie-
tors of cer-
tain news-
papers.

one dollar and fifty cents; to Adrian Watch Tower, one dollar and fifty cents; to proprietors of Coldwater Sentinel, fifty cents; to proprietors of Port Huron Observer, one dollar and fifty cents; to Michigan Farmer, twenty-five dollars; to proprietor of Michigan Liberty Press, two dollars; to proprietors of Michigan Telegraph, two dollars; to Toledo Blade, fifty cents; to proprietors of Grand Rapids Enquirer, one dollar and sixty-six cents; to proprietors of Michigan Argus, one dollar and fifty-cents; to proprietor of Wash-tenaw Whig, one dollar; to proprietors of Ypsilanti Sentinel, three dollars; to proprietors of True Democrat, fifty cents; to the Expositor, one dollar; to proprietors of Marshall Statesman, two dollars; to proprietors of Jackson Patriot, two dollars.

A W Hovey To Agustine W. Hovey, clerk of the House of Representatives, for compiling and preparing for publication, making indexes and superintending the publication of the house journal and documents of the present session of the legislature, two hundred dollars, to be paid on the certificate of the secretary of state, that the work has been correctly done.

W V Kilborn. To William V. Kilborn, for one large pitcher for house of representatives, one dollar;

A S Bagg. To A. S. Bagg for stationery to clerk of the house of representatives, forty-four dollars eleven cents, and the further sum of ten dollars fifty cents for stationery furnished the speaker of the house of representatives, and the further sum of twenty-four dollars sixty-eight cents for stationery furnished engrossing, enrolling and re-

W F Storey. cording clerks, and committee on enrollment; to W. F. Storey for envelope paper and stationery furnished house of representatives, thirty-seven dollars forty-four cents; to L. L. Richardson for two double screens, two dozen locks for desks and putting the same on and repairing chairs in house of representatives, twenty-nine dol-

M M Prichard. lars; to M. M. Prichard for two baskets and brooms furnished house of representatives, one dollar thirty-eight cents; to G. Post for one ash pail furnished house of representatives, one dollar seventy-five

R H Connor cents; to Richard H. Conner for traveling expenses in going to Macomb county by order of the house of representative, twenty-

Hibbard and Knapp. five dollars; to Hibbard and Knapp for freight bills on supplies for legislature at various times during the present session, three dol-

Darling and Rand. lars seventy-five cents; to Darling and Rand for stationery, four

dollars fifty-seven cents; to Baggs and Harmon for stationery furnished committee on supplies, thirty-nine dollars ninety-seven cents; to Jonathan P. King, John N. Ingersoll and Charles M. O'Malley, the senator and representatives from the counties of Mackinac and Chippewa, the sum of sixty dollars each for expenses incurred before and after the session; to the messengers of the senate and house of representatives the sum of twenty-five cents per day each over and above the amount already appropriated; to the post master at Lansing such sum as may be due him for postage of officers and members of the senate and house of representatives under joint resolution approved January 4th, 1849, to be paid by the state treasurer on presentation of his account verified by affidavit; to the fireman of the senate and house of representatives fifty cents per day each, as additional pay over and above the amount already appropriated; to each member of the senate and house of representatives the sum of five dollars, being for stationery furnished themselves; to W. V. Kilborn for two paste brushes, seventy-five cents; to Mrs. O. C. Wiswell the sum of five dollars for paste furnished the house of representatives; to Thornton F. Broadhead the sum of two dollars, for papers furnished members of the house of representatives, and the further sum of one dollar twenty-five cents; for papers furnished members of the senate; to N. Dunham, A. N. Hart, B. F. Fox, Nathan Salzer and D. A. Wright the sum of ten dollars each for expenses incurred in visiting state prison as a joint committee of the senate and house of representatives; to Marsh Giddings for expenses in going twice to Kalamazoo to attend to the matter of the contested seat claimed by Evert B. Dykman, under resolutions of the house, fifteen dollars.

To A. Mueller, for translating the governor's message into the German language and correcting the proof, sixty dollars; to Jas. T. Kedzie, for paste, pail and brush, four dollars; to publisher of the Port Huron Observer, for publishing general orders for adjutant general, ten dollars; do., papers furnished members of the house for session of 1848, three dollars; to Charles Smith, for attendance as secretary of the senate, at the opening of the present session, thirty dollars; to A. Kaminsky, for printing seven hundred copies of the governor's message in German, forty-four dollars; to C. Morse & Son, for paper furnished A. Kaminsky, on which to print

Baggs & Harmon.

J P King & others.

Messengers.

P M at Lansing.

Firemen.

Members of House and Senate.

W V Kilbourne.

Mrs O C Wiswell.

T F Broadhead.

N Dunham and others.

M Giddings

A Mueller.

J T Kedzie.

W L Bancroft.

C Smith.

AKaminsky

C Morse & Son.

W Olds. the message in German, eighteen dollars; to William Olds, for going to Mason, for services on the death of Hon. H. C. Noble, one dollar and fifty cents; to Smith & Case, for same, seven dollars; **Smith and Case.** to J. C. Gaylor, for same, ten dollars; to A. F. Prouty, for desk **J C Gaylor** furnished the office of the register of the court of chancery, in the **A T Prouty** third circuit in 1846, forty dollars.

To proprietors of certain newspapers. To publishers of the Albany Evening Journal, for papers furnished from 1841 to 1848, inclusive, sixteen dollars and ninety cents; to the publishers of the Hillsdals Gazette, fifty cents; to the publishers of the Kalamazoo Gazette, fifty cents; to the publishers of the True Democrat, fifty cents; to the publishers of the Coldwater Sentinel, one dollar and fifty cents; to the publishers of the Adrian Expositor, fifty cents; to the publishers of the Marshall Statesman, one dollar; to the publishers of Norwich, Connecticut Courier, one dollar; to the publishers of Neal's Saturday Gazette, seventy-five cents; to the publishers of the Albany New York Argus, two dollars; to the publishers of the Washington Union, six dollars; to the publishers of the Hartford Times, two dollars; to the publishers of the Ohio Statesman, one dollar and seventy-five cents; to the publishers of the New York Evening Post, two dollars and fifty cents; to the publishers of the Port Huron Observer, five dollars and fifty cents; to the publishers of the Albany Evening Journal, fifty cents.

Bagg & Harmon. To Bagg & Harmon, for printing, binding and stationery, for auditor's office, from May 19th, 1848, to January 12, 1849, two hundred and seventy-nine dollars and fifty cents; to A. Smith Bagg, **A S Bagg.** for binding and stationery for auditor's office, from June 1st, 1848, to January 12th, 1849, thirty dollars and twenty-five cents; to A. S. Bagg, for blanks and stationery furnished adjutant general's office, for the year 1848, twenty-three dollars and ninety-one cents; to **Bagg & Harmon.** Bagg & Harmon, for printing and stationery for adjutant general in 1848, forty-three dollars and sixty cents; to A. S. Bagg, for ruling four hundred sheets of abstracts of sales, and mounting three maps of Lansing for state land office, four dollars and twenty-five cents; to Bagg & Harmon, for printing and stationery for superintendent of public instruction for 1848, one hundred and seventy-six dollars; to Bagg & Harmon, for stationery furnished lieutenant governor, thirteen dollars and fifty-two cents; to Bagg & Harmon, **Bagg & Harmon.**

for stationery furnished secretary of senate, thirty-six dollars and nineteen cents; to Bagg & Harmon, for stationery furnished enrolling and engrossing clerk of the senate, fifteen dollars and thirty-eight cents; to Bagg & Harmon, for stationery furnished the committee on supplies of the senate, fifty-five dollars and twelve cents.

To Mr. Shoemaker, chairman of the committee on supplies of the senate, for cash paid for sundry articles for the senate, sixteen dollars; to William Post, for tin ware and sheet iron and stove pipe furnished, seven dollars and ninety-five cents; to Ritchie & Heisse for Washington Union furnished the senate of 1846, forty-one dollars and sixty-seven cents; to same for Daily Union furnished in 1847, seven dollars and fifty cents.

To publishers of the Hartford Times, for papers furnished J. B. Graham, in 1846, fifty cents; to William L. Bancroft, secretary of the senate, for compiling and preparing for publication, making indexes and superintending the publication of the senate journals and documents of the present session of the legislature, two hundred dollars, to be paid on the certificate of the secretary of state, that the work has been correctly done; to G. G. Deshon, for recording the senate journal of 1848, at the rate of six cents per folio to be paid on the certificate of the secretary of state that the same have been correctly performed, and the secretary of state shall certify the number of folios.

To publishers of Mt. Clemens Patriot, for publishing adjutant general's orders, six dollars; to E. Clark for storing old muskets belonging to the state, four dollars; to Rodney R. Gibson for services as deputy secretary of state, one hundred dollars.

To O. S. Carter, proprietor of the Genesee Farmer at Flint, fifty cents; to G. G. Deshon, for three days services as enrolling clerk, nine dollars; to O. A. Jenison for services as engrossing and enrolling clerk one day last session, three dollars; to proprietors of Monroe Advocate for papers furnished members of the senate and house of representatives, three dollars and seventy-eight cents; to Alfred Cornell, junior, chaplain of the house of representatives, and Ransom R. Richards, chaplain of the senate, each the sum of three dollars per day; to Horace S. Roberts for four days services as assistant enrolling clerk, twelve dollars; to G. G. Deshon for

M Shoemaker.

W Post.

Ritchie and Heisse.

Hartford Times.

W L Bancroft.

G G Deshon.

Mt Clemens Patriot.

E Clark.

R R Gibson

Monroe Advocate.

A Cornell.

R R Richards.

H S Roberts

G G Deshon

- P Cary.** five days services as assistant enrolling clerk, fifteen dollars; to Peter Carey such sum as the board of state auditors may allow for his services about the capitol, who are hereby authorized to audit and allow the same; to Edward N. Lacroix, for translating and correcting the governor's message into the French language
- E N Lacroix** and for the year 1849, fifty dollars; to Peter Carey for services as fireman to senate, fifteen dollars; James T. Kedzie for fourteen days services as assistant enrolling clerk at three dollars per day, forty-
- P Cary.** two dollars; to Bagg and Harmon eight dollars and eighty cents for enrolling paper furnished Mr. Deshon for recording senate journal
- Bagg & Harmon.** of 1848; to Augustine W. Hovey forty nine dollars and sixty-eight cents for attending the organization of the legislature; to Henry
- A W Hovey** Tisdale for the services of Benjamin F. Tisdale, deceased, as messenger, the same amount as paid to other messengers, to be drawn on the warrant of the speaker of the house of representatives.
- H Tisdale.** That there be appropriated for the contingent fund a sum not to exceed one thousand dollars, payable to the order of the govern-
- Contingent fund.** or. To James Wicks, fireman of the senate, for extra services, twenty-five dollars; to H. B. Shank, for medical attendance upon
- J Wicks.** Benjamin F. Tisdale, five dollars; to James W. Holmes, for medical attendance upon Benjamin F. Tisdale, four dollars; to the
- H B Shank.** proprietors of the Daily Free Press, for daily papers furnished the
- J W Holmes** members of the senate and house of representatives, the sum of one hundred and thirty-two dollars; to proprietors of Daily Commercial Bulletin, at Detroit, for daily papers furnished the officers and members of the present legislature, the sum of one hundred and thirty-two dollars; to the proprietors of Detroit Daily Advertiser, for daily papers furnished the present legislature, the sum of one hundred and thirty-two dollars; to the proprietors of the Democratic Free Press at Lansing, for papers furnished the members of the present legislature the present session, forty-seven dollars; to the proprietors of the State Journal at Lansing, for weekly papers furnished members of the present legislature, the sum of forty-seven dollars; to proprietors of Allegan Record, for papers furnished to members of the present legislature, two dollars; to the proprietors of the Niles Express, fifty cents; to the proprietors of the Niles Intelligencer, fifty cents; to the proprietor of the Niles Republican, fifty cents.
- Proprietors of certain newspapers**

To Richard Elliot for four spittoons, furnished house of repre- R Elliot.
 sentatives, two dollars; to E. Sturges for two brooms, furnished E Sturges.
 house of representatives, thirty-eight cents; to John Harmon for J Harmon.
 stationery furnished committees on enrollment and supplies, four
 dollars; to assistant enrolling and engrossing clerks such sums as Ass't enrol-
 ling clerks,
 and expen-
 ses of inter-
 ment, &c. of
 B F Tisdale
 may be due them, at the rate of three dollars per diem to be certified
 by the chairman of the enrolling and engrossing committees; and
 the further sum of eighty-eight dollars and ninety-eight cents to pay
 for the expenses of the sickness and interment of Benjamin F.
 Tisdale, to the following persons, to wit: to Charles P. Bush, twenty-
 eight dollars; to Messrs. Gorman and Fish, twenty dollars; to
 James W. Holmes, eight dollars; to Knickenbacker and Son, ten
 dollars; to Hibbard and Knapp, five dollars; to Henry Hemans,
 eight dollars and fifty cents; to James P. Terry, three dollars; to
 H. W. Edgar, three dollars; to James Weeks, two dollars; to S.
 W. Whitwell, one dollar and forty eight cents.

Sec. 2. This act shall take effect and be in force from and after
 its passage.

Approved April 2, 1849.

[No. 260.]

AN ACT for the improvement of the County Line Road from
 Gidley's Station, in the County of Jackson, to Lansing, in the
 County of Ingham.

Section 1. *Be it enacted by the Senate and House of Represen-
 tatives of the State of Michigan,* That for the purpose of im-
 proving so much of the county line road as lies between the north
 line of the township of Delhi, in the county of Ingham, and Colum-
 bia village, in the township of Aurelius, in said county, there is
 appropriated all the non-resident highway taxes for the year A. D.
 eighteen hundred and forty-eight, as shall remain unexpended on
 the first day of May next, and for two years next thereafter, for
 one mile on the east side thereof: *Provided,* That if the largest
 portion of any legal subdivision be within one mile, it shall include
 the whole of such subdivision: *Provided,* That this act shall not
 apply to any non-resident highway taxes appropriated by any law
 heretofore passed.

N R high-
 way taxes
 appropri-
 ated on cer-
 tain road.

Special
com'r—his
powers and
duties.

Sec. 2. For the purpose of carrying into effect the provisions of this act, Champlin Havens, of Delhi, in Ingham county, is hereby appointed special commissioner, who shall be governed by the same laws, as far as the same is applicable, in expending all moneys that may be subject to his control by the provisions of this act, as are or may hereafter be in operation for the government of township highway commissioners.

Oath and
bond of
com'm'r.

Sec. 3. It shall be the duty of said commissioner before entering upon the duties of his office, to take and subscribe an oath faithfully to perform the duties herein assigned him, and file the same in the office of the county clerk of the county of Ingham, and deliver to the county treasurer of said county, a bond in the penal sum of one thousand dollars, with two good and sufficient sureties to be by him approved, conditioned for the faithful performance of all the duties imposed upon him by virtue of this act, and in default thereof it shall be the duty of said county treasurer to prosecute the same in the same manner as bonds are prosecuted against county officers.

List of non-
resident
lands to be
made by
com'm'r.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurers of the respective counties in which such lands are situated, who shall thereupon open an account with the said county line road fund, and credit to said fund all moneys then in their hands, or which may hereafter be paid into their office as non-resident highway taxes, upon any of the lands described in said list, and charge said fund all moneys which may be drawn from said fund by said special commissioner.

Payment of
contractors
and others.

Sec. 5. It shall be the duty of said special commissioner in payment for any labor performed, or materials furnished in the improvement of said road, to issue his certificate to any person who may be entitled to the same certifying the facts as they exist in the case, and draw his warrant thereon, for the amount due such person or persons upon the county line road fund, and it shall be the duty of the county treasurer to pay the same out of any moneys, to the credit of said fund, and charge the same as provided in section four of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 261.]

AN ACT making appropriations for salaries of the State Officers for the year eighteen hundred and forty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be, and hereby are appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums: for the salaries of the governor and associate justices of the supreme court, fifteen hundred dollars each; for the salary of the chief justice of the supreme court, sixteen hundred dollars; for the salaries of the auditor general, state treasurer and commissioner of the state land office, one thousand dollars each; for the salary of the secretary of state, eight hundred dollars; for the salary of the attorney general, including his actual necessary expenses, eight hundred dollars; to the superintendent of public instruction, the sum of five hundred dollars; for the salary of the recorder of the land office, four hundred dollars; for the salary of the adjutant general, three hundred dollars; for the salaries of the deputy state treasurer and deputy auditor general, seven hundred dollars each; for the salaries of the two regular clerks of the auditor general, six hundred dollars each; for the salaries of the deputy secretary of state and deputy commissioner of the land office, and one clerk in said office, five hundred dollars each.

Salaries of judges and state officers for 1849.

Sec. 2. The sum of three hundred and fifty dollars is hereby appropriated from the general fund, and out of the last named appropriation the state treasurer is hereby authorized and directed to pay the private secretary of the governor, the sum of three dollars per day, during the session of the legislature, and for eight days thereafter, to be paid on the certificate of the governor.

Sec. 3. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 262.]

AN ACT to discontinue a certain road in the township of Athens, county of Calhoun, and for other purposes.

Road discontinued.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of a certain road running diagonally through the west half of the south east quarter and a part of the east half of the south west quarter of section thirty-two in the township of Athens, in the county of Calhoun, be and the same is hereby discontinued.

New road authorized.

Sec. 2. The commissioners of highways of the said township, are hereby authorized to lay out and establish a highway, commencing at the south east corner of the west half of the south east quarter of said section thirty two, of said township; thence running west on the south line of said section, until it intersects the road west.

State not liable therefor.

Sec. 3. The state shall in no way be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in this act shall not be laid out and recorded within one year from its passage, then the provisions herein contained shall be void.

Expense—how paid.

Sec. 4. The expense of laying out and establishing the said road shall be paid according to existing laws relative to highways.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 263.]

AN ACT to amend an act entitled "An act to amend the Revised Statutes of 1846 concerning the assessment and collection of taxes," approved March 17th A. D. 1847.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section six of an act entitled "an act to amend the revised statutes of 1846, concerning the assessment and collection of taxes," approved March 17th, A. D. 1847, be amended by inserting after the word "attorney," in the fourth line of said section the words "county judge or circuit court commissioner."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 264.]

AN ACT amendatory to the charter of the Detroit, Romeo and Port Huron Railroad Company, and amendments thereto.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Detroit, Romeo and Port Huron railroad company, are hereby empowered and fully authorized to agree or arrange with any rail road corporation, for a guarantee of any bonds, mortgages, or other evidences of debt, that may be issued or made by the said Detroit, Romeo and Port Huron railroad company; and the said railroad company or companies that may become guarantors for the said Detroit, Romeo and Port Huron railroad company, are hereby fully empowered so to do. Act amended.

Sec. 2. This act shall take effect, whenever the president of said railroad company shall file an instrument in writing, accepting the same, in the office of the secretary of state.

Approved April 2, 1849.

[No. 265.]

AN ACT relative to Elections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever in elections of members of the state legislature, or county officers, it shall appear on the legal canvass of the votes, that two or more persons have received an equal number of votes, and that a failure to elect to any office is caused thereby, such persons shall draw lots for election to such office in the manner following: the proper board of canvassers in each case shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons. The officer before whom said drawing is to take place Proceedings in case of tie vote for election of members of the legislature and Co. officers.

shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many of said slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that all may appear as nearly alike as possible; said slips shall all be placed in a box and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box, and any such person drawing a slip in which is written the word "elected" shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election.

Sec. 2. Drawing of lots under the provisions of the preceding section, shall take place before the following officers: for the office of state senator, before the county clerk of the county where the senatorial canvass is held; for the office of representative in the legislature, and for any county office, before the county clerk of the county where each case shall arise: *Provided*, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 266.]

AN ACT to amend an act appropriating certain internal improvement lands for the benefit of the Holland colony and other immigrants now settling in the counties of Ottawa and Allegan.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections three, four, five, six, seven and eight, of an act appropriating certain internal improvement lands for the benefit of the Holland colony and other immigrants now settling in the counties of Ottawa and Allegan, approved February 3d, 1848, be and the same are hereby repealed, and the following sections are substituted in lieu thereof, to wit:—

Specimen
true: facts.

"Sec. 2. For the purpose of carrying this act into effect, Henry D. Post, of Holland, Ottawa county, Hiram Jennison, of Georgetown, Ottawa county, and Ira Chaffee, of Allegan, Allegan county,

ty, be, and they are hereby appointed commissioners to take special charge of the several works contemplated by this act, as follows, to wit: Henry D. Post is hereby authorized to take charge of the road leading from Grand Haven, in the county of Ottawa, to said colony, also of the work designed and contemplated in this act of appropriation, in constructing a suitable and substantial wharf or pier upon the eastern shore of lake Michigan, at the mouth of North Black river, in the county of Ottawa; also to take charge of all that portion of the lands appropriated by said act and yet unexpended, and that contracts have not been drawn against by Flavius J. Littlejohn, the present commissioner, for the several works, allotted by this act, to his charge.

Sec. 3. Hiram Jeunison is hereby authorized to take special charge of the road contemplated in this act of appropriation, leading from Grandville, in the county of Kent. to the said Holland colony, in the county of Ottawa, and of all that part of the lands appropriated, for the purpose of improving said road that has not been expended, or contracts drawn against by Flavius J. Littlejohn, the present commissioner.

Ibid.

Sec. 4. Ira Chatee is authorized to take special charge of the road contemplated by the act of appropriation, leading from the village of Allegan, in the county of Allegan, to said colony, and of all that part or portion of the lands appropriated, for the purpose of improving said road, that has not been expended or contracts drawn against, by Flavius J. Littlejohn, the present commissioner; it shall also be the duty of the said commissioner to cause a re-survey of said road last named, commencing at the south termination of the road leading from the village of Grand Haven to the colony aforesaid, and lay the same on the most direct and feasible route, from said colony, to the village of Allegan, so that the road shall be a continuous line from the village of Grand Haven to the village of Allegan.

Ibid.

Sec. 5. Said commissioners shall have the full control and management of the several improvements in this act specified, and shall have power to let out, by contract, the erection of said wharf or pier and the opening and working said roads, to the lowest bidder, or upon the lowest offer or terms they can get offered by or to any person, who shall execute and deliver to said commissioners, or any

Powers and duties of said com'rs.

one of them, a good and sufficient bond, with sureties, to be approved by the commissioner having charge of the work conditioned for the faithful performance of the works stipulated in the contract.

Payment of
contractors,
&c.

Sec. 6. Whenever any contractor under the preceding section of this act shall have finished his job according to the terms of his contract, and the same shall have been accepted by any of said commissioners having charge of the work on which the contract was performed, said commissioner shall draw his order on the auditor general of this state for the amount of land specified in said contract, and upon such order being presented to the auditor general, he shall draw his warrant payable in internal improvement lands, upon the commissioner of the land office, which warrant shall be received at the state land office in payment for any of the internal improvement lands of this state: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of the said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres, or in any other quantity than a legal subdivision.

Powers of
comm'rs in
settling and
appraising
damages.

Sec. 7. For the purpose of laying out, opening and improving said roads, the commissioners herein named shall possess all the power now conferred by law upon the highway commissioners of the several townships through which said roads shall pass, and for settling and adjusting all claims for damages by persons interested in the lands through which said roads, or either of them shall be laid, he may apply to a justice of the peace of the proper township, or an adjoining township, for the appointment of three appraisers, and the same proceedings shall be thereupon had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

Maps and
surveys—
how com-
pleted and
filed.

Sec. 8. In any case where the surveys have not been completed and where the profile map or field notes have not been filed as directed by the original act of appropriation, the commissioners appointed by this act, shall complete the said surveys and cause an accurate profile map and field notes of the survey of said several roads, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record

the same in the manner now provided by law for public highways.

Sec. 9. The commissioners named in this act shall proceed in the outlay of the balance of the appropriations made by this act, with all the diligence and despatch compatible with proper economy and the best interests of the state and the Holland colony, and each of said commissioners shall receive for their services a sum not exceeding two dollars per day for the time they may be actually and necessarily employed in the discharge of their several duties devolved upon them by the provisions of this act, payable pro rata, from the aforesaid appropriations, when verified by their respective oaths.

Compensation of commissioners.



Sec. 10. It shall be the duty of said commissioners before entering upon the duties enjoined upon them by this act, to take and subscribe the constitutional oath, make and enter into a bond to the people of the state of Michigan, in the penal sum of two thousand dollars each, for the faithful fulfilment of the duties of their said office, which said bond shall be signed by two good and sufficient sureties; which bonds shall be submitted to the prosecuting attorneys of the counties of Ottawa or Allegan, for his or their approval, and if approved, the attorney shall enclose the oath with the bond of each commissioner, and direct them to the auditor general to be filed in his office.

Oath & bond

Sec. 11. In case the commissioner appointed by virtue of the act to which this act is amendatory, has selected any lands and reported such selections to the commissioner of the land office for reservation from sale, then it shall be the duty of the commissioner having charge of that particular appropriation or work for which it was selected, when the job or jobs shall be completed, to draw his order upon the auditor general for said lands, particularly describing them in his said order.

Orders, how drawn when lands have been selected, &c.

Sec. 12. Upon any of the commissioners appointed by this act being qualified in accordance with the provisions herein contained, and upon presentation of the certificate to the prosecuting attorney of the counties of Ottawa or Allegan, to the former commissioner, F. J. Littlejohn, he shall forthwith deliver to said commissioner presenting the certificate as aforesaid, all profiles, maps, field notes, contracts and every paper of any and every kind in his possession, or in any

Former commrs to deliver papers, &c., to commrs herein appointed, &c.

way pertaining or belonging to the work hereby given to the charge of said commissioner and take his receipt therefor.

Sec. 13. The appointment made, and the commission issued by the governor to said F. J. Littlejohn, is hereby revoked and from and after the passage of this act, said commission shall be null and of no effect.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 267.]

AN ACT to prevent the Transportation of Pickled Fish without Inspection.

Penalty for
transporting
fish not in-
spected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any master of a vessel, or other person, shall transport from this state any pickled fish, not inspected and branded, as provided in chapter thirty of the revised statutes, he shall forfeit a sum not exceeding ten dollars for every cask of fish thus transported.

Approved April 2, 1849.

RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION relative to Postage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the post master, at the capital of Michigan be, and he is hereby authorized to charge the state of Michigan with all postage upon letters, papers or documents heretofore and hereafter received and to be received by the senate and officers of the senate, and the house of representatives and the officers during the present session thereof, and to charge to the state of Michigan the postage upon all papers and documents mailed by the members and officers of each branch of the legislature during the session thereof.

Resolved, That a committee of one from the senate and two from the house of representatives be appointed to make arrangements with the post master in relation to postage of members and officers of the legislature during the present session.

This resolution shall be in force and take effect from and after its passage.

Approved January 4, 1849.

[No. 2.]

JOINT RESOLUTION relative to printing a manual for the use of the present Legislature.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a sufficient number of copies of the legislative

RESOLUTIONS.

manual be ordered printed for the use of the legislature, embracing the same kind of information as those in use during the last session of the legislature, together with a register for the present session; and that an extra number be printed sufficient for the supply of one copy for each member of the next legislature, and that such extra copies be deposited in the office of the secretary of state.

This joint resolution shall take effect and be in force from and after its passage.

Approved January 5, 1849.

[No. 3.]

JOINT RESOLUTION respecting Documents.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and he is hereby instructed to furnish the members of the senate and house of representatives with the revised statutes, documents, journals and session laws of the last legislature, as far as the same can be supplied from his office without re-printing the same.

This joint resolution shall take effect from and after its passage.

Approved January 5, 1849.

[No. 4.]

JOINT RESOLUTIONS respecting the Territories of the United States.

Resolved, by the Senate and House of Representatives of the State of Michigan, That we consider the result of the late war with Mexico in the acquisition of the territories of New Mexico and California, as an enduring monument to the honor of our gallant army—regulars and volunteers—officers and soldiers, and that we rejoice in the prospect of extending over that country, the beneficent laws and institutions of a free people.

Resolved, That we are in favor of the fundamental principles of the ordinance of 1787—and although we respect the opinions of many eminent statesmen and jurists, that slavery is a mere local institution which cannot exist without positive laws authorizing its

existence—yet we believe that Congress has the power, and that it is their duty to prohibit by legislative enactment, the introduction or existence of slavery within any of the territories of the United States, now or hereafter to be acquired.

Resolved, That our senators in Congress be instructed and our representatives requested to use all honorable means to accomplish the objects expressed in the foregoing resolution, and that the governor of this state be requested to forward copies of these resolutions to our senators and representatives in Congress.

Approved January 13, 1849.

[No. 5.]

JOINT RESOLUTIONS directing the Secretary of State to furnish certain statutes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and he is hereby directed to furnish each of the officers and members of the present legislature with a copy of the session laws of eighteen hundred forty-six, eighteen hundred forty-seven and the revised statutes of eighteen hundred thirty-eight, so far as the same can be supplied from his office without re-printing the same.

Approved January 23, 1849.

[No. 6.]

JOINT RESOLUTION for the relief of John Lee.

Section 1. *Resolved, by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office, be, and he is hereby directed, upon the receipt from John Lee, of the county of Macomb, of the interest due on a certificate of purchase, number ten hundred and fifty-five, for the north east quarter of section sixteen, in township number two north of range number twelve east, together with the penalty prescribed by law, with interest on such sums, from the thirty-first October, one thousand eight hundred and forty-eight, to the time of payment, to issue a new certificate of said premises to the said

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Lee: *Provided*, That the interest and penalty so due, together with the interest thereon, be paid to the said commissioner on or before the first day of May, eighteen hundred and forty-nine: *Provided also*, the same shall not previously have been sold or otherwise disposed of to any other person.

Approved January 31, 1849.

[No. 7.]

JOINT RESOLUTION to encourage Immigration.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized and empowered, if in his opinion, the interest of the state would be thereby promoted, to appoint some suitable and proper citizen of Michigan to act as agent for this state to reside in the city of New York, from a period to commence as soon as practicable, until the first day of November next, and whose duty it shall be to encourage emigration into this state, under such advice or direction as the governor may from time to time deem proper to give; and for the purpose of defraying the necessary expenses of such agency, the governor is hereby authorized to draw upon the contingent fund for any sum or sums not exceeding in all seven hundred dollars.

Approved February 1, 1849.

[No. 8.]

JOINT RESOLUTIONS appointing the "Michigan State Journal" the State Paper, and for other purposes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the "Michigan State Journal," published in the town of Lansing, shall be the state paper, for publishing all notices required by law to be published in the state paper: *Provided*, That all notices, required by law to be published in the state paper, the publication of which shall have been commenced in the "Democratic Free Press," previous to the passage of this resolution,

may be continued during the time said notices are required to be published by law, in said "Democratic Free Press," with the same legal effect as if it had continued to be the state paper.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 9.]

JOINT RESOLUTION directing the publication of a statement of lands to be sold in the county of Ionia, in eighteen hundred and forty-nine.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the auditor general shall cause the statement of the lands to be sold in the county of Ionia, for taxes, in October, eighteen hundred and forty-nine, to be published in the "Ionia Gazette," which statement shall be published in the same manner; for the same time, and to the same effect as like statements required by law to be published in other cases.

Resolved, That this resolution shall take effect and be in force from and after its passage.

Approved February 10, 1849.

[No. 10.]

PREAMBLE AND JOINT RESOLUTION relative to removing and storing the Military Stores of the State in the United States Arsenal at Dearbornville.

Whereas, It appears by the adjutant and quarter master general's report of 1848, that a quantity of field artillery and equipage, with other accoutrements received of the United States, are now lying in a ware-house in the city of Detroit subject to charges for storage, and much exposed to damage by fire and otherwise; and the state having no convenient place to store the same; and whereas permission has been given by the chief of the ordinance department at the city of Washington to this state to store in the Detroit arsenal at Dearbornville, any military stores belonging to the state of Michigan, therefore

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Resolved, by the Senate and House of Representatives of the State of Michigan, That the adjutant and quarter master general be, and he is hereby authorized and required, to transport at the expense of the state, such of the field artillery and equipments as are now under his care and control, and such as may be hereafter received from the general government for the use of this state, likewise such other military stores of this state as cannot be conveniently stored in the state armory in the city of Detroit, to the Detroit United States arsenal at Dearbornville, and have the same stored in said arsenal and appendages, according to the rules and regulations of the ordinance department, subject to be drawn therefrom by the adjutant and quarter master general or his successor in office.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 11.]

JOINT RESOLUTION authorizing the settlement of certain claims, growing out of the "raising, subsisting and mustering into service" of the Michigan Volunteer Regiment called to serve in the late war with Mexico.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to make a just and equitable settlement of all claims that may be laid before them, growing out of the raising, subsisting and mustering into service of the Michigan volunteer regiment, called to serve in the late war with Mexico; and in case the board shall find any sum or sums due any claimant or claimants, they are hereby authorized to certify the sum or sums so found due, to the auditor general, who shall draw his warrants for the same, upon the state treasurer, who shall pay such warrants out of any money in the general fund not otherwise appropriated: *Provided,* That all such claims shall be presented for final adjustment on or before the first day of November next, and for all such claims, not so presented, the state shall in no case be held responsible: *And provided further,* before said board

enter upon the settlement of any such claims, the claimant shall furnish to the state a good and sufficient bond to be approved by the board, conditioned that the settlement shall be final, and that he will at no time thereafter apply to the legislature of Michigan for relief, predicated upon such claim.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 17, 1849.

[No. 12.]

JOINT RESOLUTIONS proposing an amendment to the Constitution, relative to certain public officers.

Whereas, An amendment to the constitution of this state was proposed by the last legislature in the words following, to wit: "The legislature of this state for the year eighteen hundred and fifty shall provide by law for the election by the people of the following officers, viz: judges of the supreme court, who shall be ineligible to any other than a judicial office during the term for which they are elected and for one year thereafter; auditor general, state treasurer, secretary of state, attorney general, superintendent of public instruction, and prosecuting attorneys; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any civil duties performed by them:"

And Whereas, If said proposed amendment should be agreed to by two-thirds of all the members elected to each house of the present legislature, the same must be submitted to the people of this state at such time as this legislature shall prescribe: therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, (Two-thirds of each house concurring therein,) That the aforesaid proposed amendment to the constitution of the state be and the same is hereby agreed to by this legislature, and that the same be submitted to the people of this state for approval and ratification according to the provisions of the first section of the thirteenth article of the constitution, on the first Tuesday of November next. And it shall be the duty of the secretary of state and all other officers required by law to give or publish any notices in regard to the annual election on said day, to give notice that the

aforesaid amendment has been duly submitted to the electors of the state at said election.

Resolved, That at the election aforesaid, a ballot box shall be kept for receiving votes for or against the amendment; on the ballots shall be written the words "for the amendment," or "against the amendment," and a return of the same shall be made by the proper canvassing officers, to the office of the secretary of state as in the case of the election of state officers as near as may be; and the board of state canvassers shall give notice immediately after canvassing said votes, whether the same has been ratified according to the provisions of the aforesaid article of the constitution.

Approved February 22, 1849.

[No. 13.]

JOINT RESOLUTIONS relative to the claims of John W. Palmer, Edward N. Greely and Alvin T. Crossman.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized and required to make a just and equitable settlement with John W. Palmer and Edward N. Greely under a certain contract made by the auditor general with A. T. Crossman, bearing date May fourth, A. D. eighteen hundred and forty-eight, for extracting stumps on block one hundred and fifteen, and along the centre of Washington avenue in the village of Lansing, which said contract was assigned to said Palmer, and one half of the interest of the said Palmer therein, was by him assigned to the said Edward N. Greely, and in case the board shall find any sum due said Palmer or said Greely, or either of them, they shall certify the same to the auditor general, who shall draw his warrant or warrants for the same on the state treasurer, who is hereby authorized and required to pay the same out of any money in the general fund not otherwise appropriated: *Provided*, That said board shall deduct from any amount so found due, the amount of two orders drawn on the auditor general and accepted in favor of A. T. Crossman, together with interest on the same from the time they became due: one of said orders being for the sum of seventy-nine dollars and forty nine cents, drawn by said Palmer and said Greely, dated May

twelfth, one thousand eight hundred and forty eight, and one drawn by said Palmer, dated May thirteenth, one thousand eight hundred and forty-eight, for the sum of twenty-five dollars; and shall certify to the auditor general only the sum or sums remaining due, if any, after deducting said orders.

Resolved further, That on the presentation to the auditor general by Alvin T. Crossman or his agent, of the orders named in the foregoing resolution, it shall be the duty of the auditor general to issue his warrant or warrants for the same, with interest from the time the same became due, on the state treasurer, who is hereby required to pay the same out of any money in the general fund not otherwise appropriated: *Provided*, It shall be made to appear that sufficient work was done on the contracts, in said orders referred to, after the date of said orders to amount of the sum named in said orders.

These joint resolutions shall take effect and be in force from and after their passage.

Approved February 22, 1849.

[No. 14.]

JOINT RESOLUTIONS relative to certain claims growing out of the expenses incurred from the raising, subsisting and mustering into service of the first Regiment Michigan Volunteers.

Resolved, by the Senate and House of Representatives of the State of Michigan. That the board of state auditors be and they are hereby authorized and required to audit and allow on just and equitable terms, all demands that may be laid before them by any persons for moneys advanced or expenses incurred, for the raising, subsisting and mustering into service of the Michigan volunteer regiment: *Provided*, That this shall be construed to extend only to moneys advanced and expenses incurred for such purposes as were recognized as proper by the governor, in the expenditure of the money appropriated by an act entitled "an act to provide for defraying the expenses of enlisting, transporting and subsisting the volunteer regiment called from this state to serve in the existing war with the republic of Mexico," approved January 10, 1848: and said board are authorized and required to audit and allow on just and equitable

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terms, all claims for pay which may be laid before them by any of the commissioned officers of said regiment, from the date of their respective commissions to the date of their being severally mustered into the United States service; and the board shall certify all sums so audited and allowed by them to the auditor general, who shall draw his warrant for the same in favor of the person or persons to whom the same are allowed, upon the state treasurer, who shall pay such warrants out of any money in the general fund not otherwise appropriated.

Resolved, That the auditor general be and he is hereby directed to draw his warrant upon the state treasurer, who shall pay such warrant out of any ~~money~~ money in the general fund not otherwise appropriated, for the sum of six hundred and eighteen dollars and forty-five cents, in favor of James McGrath, if that shall be found to be the amount due to the said McGrath, by the said board, for clothing furnished the first regiment of Michigan volunteers, under a contract with the late governor of this state.

Resolved, That these joint resolutions shall take effect and be in force from and after their passage.

Approved March 1st, 1849.

[No. 15.]

JOINT RESOLUTION in relation to the Transportation of the United States Mail through Canada.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be, and they are hereby requested to use their influence with the post office department of the United States, to have a mail communication from Buffalo to Detroit, through Canada, during the winter season, leaving it optional with persons mailing letters, or other matter, to mark and pay for their transmission by that route, or by the present route south of Lake Erie, as they may prefer, or under such regulations in that and other respects, as the department shall deem most conducive to the public interest and convenience.

Resolved, That the executive of this state be requested to forward copies of the foregoing to our senators and representatives in congress.

Approved March 1, 1849.

[No. 16.]

JOINT RESOLUTION relative to publishing the Reports of the Superintendent of Public Instruction.

Resolved, by the Senate and House of Representatives of the State of Michigan, That in addition to the regular edition of the report of the superintendent of public instruction heretofore authorized to be printed for the use of the members of the legislature, the contractor to do the state printing be required to print a sufficient number of the report of said superintendent for the year one thousand eight hundred and forty-eight, to enable the superintendent to distribute one copy to each county clerk, one copy to each township clerk for the use of the board of school inspectors, and one copy to each school director within the state, for the use of the district board, and to such other persons as he may deem advisable.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 2, 1849.

[No. 17.]

JOINT RESOLUTIONS relative to Moneys advanced by the State of Michigan in behalf of the United States, and for other purposes.

Whereas, At the time of raising the regiment of volunteers in this state to serve in the late war with Mexico, no rules for the auditing of accounts for expenses incident thereto, nor instructions given as to the vouchers to be procured for the expenditures made for that purpose, had been furnished by the United States' war department to the executive of this state, or to the officers engaged in raising said regiment; and

Whereas, Under the rules since established by the war department, many just claims for moneys expended and services rendered, which were both proper and necessary, may be liable to be disallowed for the want of the required formality in the vouchers or corroborating testimony not now procurable; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be, and they are hereby requested to use their influence to

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procure the passage of an act, or joint resolution, by congress, authorizing or requiring the proper officer of the treasury department to allow and pay to this state such sum for the expense of raising said regiment aforesaid, as has been expended by the state.

And be it further resolved, That our senators and representatives in congress be, and they are hereby also requested to obtain, if possible, the submission to some proper officer or tribunal, of the claim of this state, for allowance, for expenses incurred in maintaining our territorial boundary whilst a territory under the protection of the United States, or to take such other steps for the adjustment of that or other claims of the state upon the United States, as to them may seem best and most desirable.

Resolved, That the executive be, and he is hereby requested to cause copies of the foregoing preamble and resolutions to be furnished to each of our senators and representatives in congress, at the present session, and if not then acted upon by congress, to each of our senators and representatives, as aforesaid, at the commencement of the first session of the next congress.

Approved March 5, 1849.

[No. 18.]

JOINT RESOLUTION relative to furnishing certain Laws and Documents to the Military Storekeeper of the Detroit United States Arsenal at Dearbornville.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state, is hereby authorized, and required to transmit to the military storekeeper of the Detroit United States arsenal, at Dearbornville, a copy of the revised statutes of 1846, and a copy of the session laws of the years 1846, 1847 and 1848, also a copy of the documents and journals of the legislature of those years, and also a copy of session laws, documents, journals and manual, of the present legislature, and a copy of the laws, documents, journals and manual, of each successive legislature, as soon as the same are printed and bound, and delivered, for the use of said military storekeeper and his successor in office.

This joint resolution to be in force from and after its passage.

Approved March 5, 1849.

[No. 19.]

JOINT RESOLUTION requiring Reports from certain Special Commissioners.

Resolved, by the Senate and House of Representatives of the State of Michigan, That each special commissioner, or board of commissioners, appointed by the governor during the year ending December thirty-first, one thousand eight hundred and forty-eight, under and by virtue of the several acts of the legislature of that year, making appropriations of internal improvement lands for laying out and improving roads, constructing bridges and other internal improvements, be and is hereby required to report to the secretary of state, within twenty days after said commissioner or commissioners shall have received a copy of these resolutions, a full and complete statement of his or their doings as such commissioner, or board, stating particularly, the kind of labor contracted for; the name of each contractor, the number of rods, acres or miles let to each; with the contract price per acre, rod or mile for each kind of work contracted for; the name of contractors who have complied with the conditions of their contracts; the names of those contractors whose jobs have been accepted; the condition of the public works under contract and not completed; the amount of warrants or orders on the auditor general, drawn by such commissioner, or board, with the dates thereof, and to whom payable; and a plat or profile of the road or public work under his or their charge, exhibiting the section or locality where any portion of the appropriation has been expended, the kind of improvement—noting swamps, and so forth, with such other information as may be necessary to afford a full understanding of the nature and condition of the work under his or their charge.

Resolved, That the office of any such commissioner shall become vacant, either by his resignation, removal from the county for which he was appointed, or by death; and in case any such vacancy has already or shall hereafter occur, the governor is hereby authorized and required to fill such vacancy by the appointment of some other person.

Resolved, That if any commissioner or board of commissioners shall refuse to report as in these resolutions required, he or they shall be deemed as having vacated his or their offices, and the gov-

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ernor is hereby authorized and required to fill such vacancy or vacancies by the appointment of some other person or persons.

The secretary of state is hereby directed to cause a copy of these resolutions to be transmitted to each of said commissioners without delay.

These resolutions shall take effect and be in force from and after their passage.

Approved March 6, 1849.

[No. 20.]

JOINT RESOLUTION relative to Salt Spring Lands in the town of Saline.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioner of the state land office be and he is hereby directed within one year from the passage of this resolution, to cause the unsold portions of sections one and twelve in township four south of range five east, (the same being a portion of the lands selected by this state for Saline purposes) to be appraised by legal subdivisions, exclusive of the improvements that may have been made thereon, and such appraisal shall be the minimum price; and the said commissioner is authorized to issue certificates of purchase of any of said legal subdivisions at said minimum price per acre to any persons whom he may determine to be justly and equitably entitled thereto by reason of settlement upon or cultivation thereof and thereby justly entitled to the value of any improvements there may be on said land: *Provided*, Such persons or their legal representatives shall within one year after said appraisal comply with the conditions of the sale and payments as provided in title twelve, chapter sixty of the revised statutes by which such sales shall in all respects be governed: after the expiration of one year from the date of said appraisal, the unsold portions of said sections may be again appraised as aforesaid at their fair cash value including improvements, and may then be offered for sale at public auction and may be sold to the highest bidder: *Provided however*, That none of them shall be sold for less than said last appraised value including improvements.

Approved March 9, 1849.

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[No. 21.]

JOINT RESOLUTIONS recommending a revision of the Constitution of the State of Michigan.

Whereas, In the opinion of this legislature, the time has arrived when a general revision of the constitution of the state of Michigan is necessary for the well-being and better government of the inhabitants of the state; and

Whereas, By the second section of article thirteen of the said constitution, it is made the duty of the senate and house of representatives in such case, to recommend to the electors, at the next election for members of the legislature, to vote for or against a convention, to be called for the purpose of revising said instrument; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That we do hereby recommend to the qualified electors of the state of Michigan, at the next general election for members of the legislature, to vote for or against a convention, to be called for the purpose of making a general revision of the constitution of this state.

Resolved, That the above recommendation shall be submitted to the people at the next general election, and those voting in favor of calling a convention shall have written or printed on their ballots the words "For a convention," and those voting against such convention shall have written or printed on their ballots the words "Against a convention," which votes shall be canvassed and returned in the same manner, as near as may be, as required in section twenty-five, chapter seven, and sections twelve and thirteen, of chapter nine, of the revised statutes of eighteen hundred and forty-six; and the secretary of state shall report the result to the next legislature thereafter.

Resolved, That the secretary of state shall cause these resolutions to be published in the state paper for three months in succession next previous to the next general election for members of the legislature.

Approved March 12, 1849.

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[No. 22.]

PREAMBLE AND JOINT RESOLUTIONS relative to the construction of a Road from Saginaw to Michilimackinac and the Saut Ste Marie.

Whereas, The general government did authorize and complete the survey of a road from Saginaw to Michilimackinac; and

Whereas, The lands lying between the mouth of the Saginaw river, Michilimackinac, and the Saut Ste Marie, are yet owned by the United States; and

Whereas, The country alluded to will remain for years unsold, and consequently unoccupied, unless a road through the country be opened; and

Whereas, It is for the best interest of the United States that said road should be made, that emigration may be directed to that region, that the public mails may be conveyed with more speed and safety, avoiding the dangerous and circuitous route on the lake shores, that the military posts of Fort Mackinaw and Fort Brady, as well as the civil departments of the government, may receive early information of matters often times of much importance; and

Whereas, The tone of public sentiment is undergoing a rapid change in regard to the value and importance of the upper peninsula of Michigan, as developed through her copper and other mineral products, her ever abounding fisheries and other sources of national wealth and prosperity; and

Whereas, It is at present impossible to proceed to the country lying north of the mouth of the Saginaw river by land, for the purposes of a settlement or transportation of supplies during at least six months, if not the whole of the year; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their best exertions to procure from the federal government a sufficient appropriation of lands for the opening and construction of such communication.

Resolved, That the governor be requested to forward a copy of this preamble and resolutions to each of our senators and representatives in congress.

Approved March 16, 1849.

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[No. 23.]

JOINT RESOLUTIONS instructing our Senators and requesting our Representatives in Congress to use their influence in favor of a reduction of Postage.

Whereas, The present unequal and exorbitant charges for postage, falls peculiarly heavy upon our citizens, rendering their correspondence with the Atlantic states, a burdensome and oppressive tax, compelling them constantly to seek other avenues than those provided by government for the transmission of letters, and believing a general reduction of the rates of postage would, by encouraging correspondence, tend to increase the revenue of the post office department, and be satisfactory to the masses of the people; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed and our representatives requested to use their influence to obtain a liberal reduction of the present charges for letter postage, and more especially on newspapers and periodicals, and to abolish or modify the franking privilege, so that it shall no longer remain an unjust tax upon the general correspondence of the country: *Provided*, That the present mail facilities enjoyed by the new states be not thereby abridged.*

Resolved, That the governor be requested to forward a copy of the foregoing to each of our senators and representatives in congress.

Approved March 16, 1849.

[No. 24.]

JOINT RESOLUTION relative to the pay of the late Herman C. Noble.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the speaker of the house of representatives be, and he is hereby authorized and required to draw his warrant for the per diem allowance of the late Herman C. Noble, during the present session of the legislature, in favor of Maria E. Noble.

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This joint resolution shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 25.]

JOINT RESOLUTION of thanks to Mr. Vattermare.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be directed to present to M. Vattermare, and also, through him to the minister of finance of France, the thanks of the legislature of the state of Michigan, for the valuable present of books made by them to this state.

Resolved, That M. Vattermare be presented with copies of our state documents and laws, together with such other books and maps relating to the history and resources of the state as the secretary of state shall select from the state library, to be distributed by M. Vattermare in such manner as he may think best calculated to aid the object of international exchange.

Approved March 19, 1846.

[No. 26.]

JOINT RESOLUTION relative to the distribution of the Session Laws, Journals and Documents of the Legislature of the year eighteen hundred and forty-nine.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present legislature be, and they are hereby entitled each to one copy of the session laws passed in the year eighteen hundred and forty-nine; also, the journals and documents of the legislature of said year; and the secretary of state be, and is hereby required to forward one copy of each to the several officers and members of this legislature, by forwarding the same to the county clerks of the several counties of this state, in which the officers or members reside, so soon as the same may be printed, bound and ready for delivery.

Resolved, That this resolution shall be in force from and after its passage.

Approved March 19, 1849.

[No. 27.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of purchase of certain School land to Thomas B. Abell.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioner of the state land office be and he is hereby authorized to issue, at any time within one year from the passage of this resolution, a certificate of purchase to Thomas B. Abell for school section number sixteen in township eight south, range seventeen west, in the county of Berrien, for the minimum price of four dollars per acre: *Provided,* That the payments heretofore paid by the said Abell, or others, towards the purchase of said section, or interest thereon, shall not be considered or accounted any part of said four dollars per acre.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 28.]

JOINT RESOLUTION in relation to a settlement with the Palmyra and Jacksonburg Railroad Company.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors are hereby authorized to settle and compromise the balance due the state from the Palmyra and Jacksonburg railroad company, upon such terms as shall in their opinion be most conducive to the interests of the state; and upon such settlement and compromise being made, the said board are hereby authorized to cancel and release all securities given by said company, or any person in its behalf, to the state for the re-payment of the principal and interest due upon the certificates of stock issued to said company.

Resolved further, That the said board of state auditors shall have like power to release any securities given by individuals upon the payment by any individual of such proportion of the said balance as may in their opinion be for the best interests of the state.

Approved March 21, 1849.

RESOLUTIONS.

[No. 29.]

JOINT RESOLUTION relative to certain State Property.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the state treasurer and the secretary of state be required to obtain immediately the property of the state formerly in the keeping of the state geologist, and deposit the same for safe keeping in some suitable place in the capitol building.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 30.]

JOINT RESOLUTION relative to a donation of lands by the General Government for the erection of State Asylums for the Insane, Blind, Deaf and Dumb.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be directed and our representatives requested, to use their efforts in procuring the passage of a law granting to this state thirty thousand acres of land to be used in the erection and completion of a state asylum for the insane and also an asylum for the deaf, dumb and blind.

Resolved, That the Governor be requested to transmit to our senators and representatives in congress, a copy of the foregoing resolution.

This joint resolution shall be in force from and after its passage.

Approved March 28, 1849.

[No. 31.]

JOINT RESOLUTION authorizing the Auditor General to draw certain Warrants.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby authorized and required to draw two warrants upon the internal improvement fund, to correspond in every respect with warrants numbered four thousand two hundred and eighty-nine and six thousand five hundred and fifty-six, heretofore issued by the auditor general,

and deliver the same to A. & E. S. Higgins, of the city of New York, whenever they shall have given to the state of Michigan a good and sufficient bond, indemnifying said state of Michigan against the payment of said warrants, numbered four thousand two hundred and eighty-nine and six thousand five hundred and fifty-six, heretofore issued by the auditor general: *Provided*, Said bond shall be approved by the auditor general and state treasurer: *Provided further*, That said warrants, or either of them, shall not have been paid.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 32.]

PREAMBLE AND JOINT RESOLUTIONS relative to Moore and Hascall's Harvesting Machine.

Whereas, Messrs. Moore and Hascall did on the twenty-eighth day of June, A. D. eighteen hundred and thirty-six, obtain from the general patent office of the United States, letters patent for a certain machine called and known as "Moore and Hascall's harvesting machine," for the period of fourteen years, which term will expire on the twenty-eighth day of June, A. D. eighteen hundred and fifty; and

Whereas, The importance of the invention, when fully perfected, and the determination on the part of the said patentees to consummate it, have induced them to make many and great improvements, whereby the abilities of the machine have been much increased; and

Whereas, By virtue of the great improvements recently made by the said patentees, they are now enabled to harvest, thresh, clean and deposit in the sack, from the grain standing in the field, twenty to twenty-five acres of grain per day, which could not have been done by said machine as originally invented; and

Whereas, The great improvements so made as aforesaid have been attended with great and heavy expenses, so much so, that the said patentees have in fact received but a small portion of the amount paid out or disbursed by them in obtaining the original

RESOLUTIONS.

invention and the necessary improvements thereto, whereby the utility of the machine has been greatly enhanced, as above mentioned; and

Whereas, The nature of the machine is such that all alterations or improvements can only be made with certainty, by actual experiment from time to time, during the short harvesting period of each year, and hence limiting the time in which the machine could be operated for grain, which in fact is one reason by which to account for the said patentees not having received but a small portion of the amount so paid out by them; and

Whereas, The said patentees have refrained, as is well known, from vending or selling the patent right of their machine, on the ground that they did not intend to do so until it should be brought to perfection; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed and our representatives be requested, to use their influence for and in behalf of the passage of an act by congress authorizing and empowering the said Moore and Hascall, their heirs and assigns, the exclusive right to use and vend and dispose of said Moore and Hascall's harvesting machine for the further period of fourteen years from and after the said twenty-eighth day of June, A. D. eighteen hundred and fifty.

Resolved, That the governor of this state be requested to forward a copy of these resolutions to each of our senators and representatives in congress at the commencement of the next session thereof.

Approved March 30, 1849.

[No. 33.]

JOINT RESOLUTION relative to the surrender of certain Internal Improvement Warrants.

Resolved, by the Senate and House of Representatives of the State of Michigan, That upon the surrender of any internal improvement warrants at the state treasury, for the purpose of being funded under act number one hundred and seventy-three, eighteen hundred and forty-eight, if said warrants shall have been drawn subsequent

to the first day of January, eighteen hundred and forty-nine, and not bearing interest prior to that date, the auditor general and state treasurer, shall compute the interest back to the said first day of January, and upon deducting said interest from the principal of said warrant or warrants, may fund the balance of said warrants, as is provided in regard to outstanding internal improvement warrants drawn and bearing interest prior to said first of January.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 34.]

JOINT RESOLUTION relative to the construction of a Ship Canal around the Falls of Niagara and Sault Ste Marie's.

Whereas, The inability of the Erie canal, in the state of New York, and the harbor at Buffalo, in said state, to furnish the necessary means to do and perform, without great delay, the carrying trade between that point and tide-water; and

Whereas, Many of our citizens, importing merchandize and other tonnage and exporting our surplus productions, in order to avoid the great delays which occur on the Erie canal and in re-shipments at Buffalo, have been compelled to ship by way of lake Ontario and the Welland canal, in Canada, thereby paying tribute to a foreign power; and

Whereas, The construction of a ship canal, by the general government, around the falls of Niagara, uniting the waters of lake Erie and lake Ontario, and the commerce thereof, would greatly advance the agricultural and commercial interests of all the western states and provide additional means for the rapid transit of their vast and constantly increasing surplus production to eastern markets via Ogdensburg, and other points; and

Whereas, The construction of such canal would, in a military point of view, in the event of hostilities between the United States and Great Britain, materially aid in the concentration of the lake armaments and give celerity to the movements of forces and munitions of war between the two lakes; and

Whereas, A. G. Williams, captain of U. S. topographical engin-

RESOLUTIONS.

cers, in obedience to a resolution of the house of representatives of the United States, and under the direction of the Hon. Lewis Cass, then secretary of war, did make a report recommending the construction of such canal, accompanied by plain estimates and maps of the proposed route and expense of such construction as will be seen by reference to Exec. Doc., 1st Sess., 24th Cong., 1836, Doc. No. 214; and

Whereas, The construction of a ship canal around the falls of Sault St. Marys would greatly advance the agricultural and commercial interests of the western states, by opening a boundless field for the industry and enterprise of the citizens of seven states of this union who will have access to and may be immediately benefited thereby, and which would afford facilities for opening the inexhaustible resources of the mines and minerals upon lake Superior, yielding to the government an increased revenue thereby, and bringing into market for settlement the large quantity of farming lands in that section, as also the immense forests of pines which are becoming of great value, and would extend our ship and steamboat navigation, by adding an extent of over sixteen hundred miles of navigable coast to that of the lower lakes, which would afford a ready market for the valuable fisheries which are inexhaustible upon that lake, and not excelled by the Newfoundland fisheries, the most productive of which in said lake extend a distance of sixty miles; and which country is rapidly settling with a hardy, industrious and enterprising population; and

Whereas, The length of the work contemplated does not exceed three-fourths of a mile, and which could be completed at a cost not exceeding five hundred thousand dollars: and

Whereas, The construction of said ship canal is an important national work, therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed and our representatives requested to use all honorable means in obtaining appropriations of money by the general government to accomplish the object expressed in the foregoing preamble: and that the governor of this state be requested to forward copies of the foregoing preamble and this resolution to the governors of the several states and to our senators and representatives in congress.

Approved March 31, 1849.

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[No. 35.]

JOINT RESOLUTION relative to the Claim of Doty & Abbott.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to examine into and finally settle all claims or demands that may be laid before them by W. P. Doty and T. F. Abbott, of the city of Detroit, for clothing furnished the first regiment of Michigan volunteers, and if upon such examination they shall find any sums remaining unpaid, the said claimants for clothing furnished by them to said regiment under the direction of the governor of this state, they shall certify the amount so remaining unpaid to the auditor general, who shall thereupon issue his warrant therefor in their favor, upon the state treasurer, who shall pay the same out of any monies in the general fund not otherwise appropriated.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 36.]

PREAMBLE AND JOINT RESOLUTIONS, relative to the selection and location of certain Internal Improvement Land, and for other purposes.

Whereas, The legislature of this state did appropriate 25,000 acres of internal improvement lands for the construction of a canal around the Grand Rapids of Grand river; and

Whereas, The supervisors of Kent county were authorized to cause said lands to be selected and the commissioner of the state land office was required to retain the same from sale; and

Whereas, Said supervisors did cause the same to be selected accordingly by James Davis, the present contractor for building said canal; and

Whereas, By act No. 22 of the session laws of 1848 the commissioner of the state land office was directed to reserve a portion of the lands selected as aforesaid and to issue certificates of sale therefor, upon the presentation of a written order signed by the

RESOLUTIONS.

Rev. A. C. Van Ralte, the recognized director of the affairs of the Holland colony; and

Whereas, The said commissioner was, by the provisions of said act, authorized to receive only in payment therefor internal improvement warrants of this state or specie which was to be paid over to the contractor of said canal in accordance with the provisions of said act; and

Whereas, The said commissioner did receive in payment for said land a large amount of land warrants instead of internal improvement warrants or specie as contemplated by said act and which are much depreciated and far below par value, contrary to the provisions and true intent of said act; and

Whereas, A large amount has become due said contractor in consequence of having completed one half of said work, and he will sustain great loss and damage if compelled to receive said warrants at par, unless he be permitted to locate and select other lands and pay for the same with said warrants at their par value to the amount of said warrants received by him; and

Whereas, 7,495 51-100 acres of the internal improvement lands, a portion of which have been selected in the upper peninsula, which said selection the general government refuses to sanction or confirm: Now, therefore, as a remuneration to the said contractor and to preventing him from sustaining such damages so far as may be, be it

Resolved, That James Davis, the said contractor, for constructing said canal be and he is hereby authorized to select and locate 1600 acres of the said 7,495 51-100 acres of land in the lower peninsula, and forthwith notify the commissioner of the state land office of the same, whose duty it shall be to cause the same to be approved and confirmed by the general government, as soon as may be.

Resolved, further, That the said James Davis be and he is hereby authorized to select and purchase such portions of said lands after said location and the confirmation thereof by the general government at their minimum price to the amount of all such land warrants as have been or may be received by him from the commissioner of the state land office in payment for the construction of said canal: *Provided*, That the same shall not exceed 1600 acres of land: *Provided, further*, That no charges shall be made against the state for services rendered, or expenses incurred, in the selec-

tion of land aforesaid: *And provided further*, That all purchases of lands made by said Davis under and by virtue of this resolution, shall be a relinquishment of his claim against the said commissioner to the amount of such purchase, and no further.

Resolved, That these resolutions shall take effect and be in force from and after their passage.

Approved April 2, 1849.

[No. 37.]

JOINT RESOLUTION relative to publishing certain acts passed by the Legislature of 1849.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the state printer be and he is hereby required to publish forthwith, in the state paper, the following acts, to wit:

"An act to consolidate the laws in relation to county courts and for other purposes;" also "an act to authorize proceedings against garnishees and for other purposes."

Also, "an act to amend chapter 94 of the revised statutes of 1846, in relation to criminal proceedings;" also, "an act to amend chapter 93, of the revised statutes of 1846, in relation to appeals;"

And also, "an act investing the circuit courts with jurisdiction in actions of ejectment."

This resolution shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 38.]

JOINT RESOLUTIONS relative to Slavery and the Slave trade in the District of Columbia.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the existence of slavery and the slave trade at the seat of our national government, "is an evil of serious magnitude, which greatly impairs the prosperity and happiness of the district, and casts the reproach of inconsistency upon the free institutions established among us."

Resolved, That our senators in congress be instructed, and our representatives requested to urge the passage of a law that shall put an end to the slave trade in the district of Columbia without delay; and also provide for ascertaining the views of the people of said district, upon the question of the entire abolition of slavery therein.

Resolved, That the governor be requested to forward copies of the foregoing resolutions to each of our senators and representatives in congress.

Approved April 2, 1849.

[No. 39.]

JOINT RESOLUTION relative to the discharge of a certain Mortgage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to examine the claim of Edwin A. Wales of the city of Detroit, relative to the discharge of a certain mortgage and promissory note accompanying the same, given by Austen Wales and wife and Ebenezer Wales, on the 10th day of September 1838, to the president, directors and company of the Michigan state bank, and which said mortgage and note was afterwards assigned and transferred by said bank to the state of Michigan; and if upon said examination, the said board of auditors shall find that the said mortgage and said promissory note have been paid, or the same cannot be enforced legally or equitably, then that said board of auditors be and they are hereby authorized and required to cancel and discharge the same from record.

Resolved, That this resolution shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 40.]

JOINT RESOLUTION relative to a certain appropriation of Internal Improvement Lands.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the special commissioner appointed under

and by virtue of act number two hundred and eighty-five, being "an act to provide for the construction and improvement of the northern wagon road, from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee to Corunna, in the county of Shiawassee," approved April 3, 1849, be, and he is hereby instructed and required to expend between the villages of Flint and Corunna, on said road, at least three thousand and five hundred acres of the appropriation made by said act: one thousand acres of land appropriated by said act 285, in improving the road between the village of Lapeer and the Oakland county line: *Provided*, That at least one thousand dollars shall be contributed by voluntary subscriptions and expended under the direction of said commissioner in the improvement of said road, before any orders may be drawn by said commissioner on the auditor general for warrants on account of the aforesaid one thousand acres.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 41.]

JOINT RESOLUTION making certain appropriations and for other purposes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That there be allowed to William L. Bancroft, secretary of the senate, the sum of six cents per folio, for making a fair copy of the journals of the senate, of the present session of the legislature, to be paid on the certificate of the secretary of state, (who shall certify the number of folios,) that the work has been correctly done and deposited in his office. That there be allowed to A. W. Hovey, clerk of the house of representatives, the sum of six cents per folio for making a fair copy of the journals of the house of representatives for eighteen hundred and forty-eight and eighteen hundred forty-nine, to be paid on the certificate of the secretary of state, (who shall certify the number of folios,) that the work has been correctly done and the copies deposited in his office: *Provided*, The expense of making the aforesaid copy of the journals of the house of representatives for the years eighteen hundred and

forty-eight and eighteen hundred and forty-nine, shall not exceed two hundred and fifty dollars.

Resolved, That the board of state auditors are authorized and required to make enquiry into and to investigate the appropriations made by the legislature since eighteen hundred and forty-one, for newspapers furnished the legislature, with a view to ascertain what part of the sums thus appropriated, if any, have been withheld by any person or persons and not applied to the object for which the appropriations were made.

Approved April 2, 1849.

APPENDIX.

TREASURER'S ANNUAL REPORT.

STATE TREASURER'S OFFICE. }
Lansing, December 1, 1848. }

To the Legislature of the State of Michigan:

Statements are herewith submitted, exhibiting the payments, to and from, the different funds for the fiscal year ending Nov. 30th, 1848.

The balance on hand Nov. 30th, \$52,736 98

The immediate liabilities, and the amount to be advanced for payment of interest Jan. 1st, 1849, as shown by the books of the auditor general and this office, are as follows, viz:

Special deposit by Michigan central rail road company for "right of way,"	\$3,162 83
General fund warrants outstanding,	1,055 43
Interest estimated on same,	250 00
Treasury notes, (state scrip,)	1,187 00
Interest estimated on same,	400 00
Surplus and redemption moneys due sundry individuals,	13,875 67
Deposit in Phoenix bank, N. Y.,	1,009 13
Delinquent tax bonds,	170 00
Interest estimated on same,	34 00
Advance necessary to pay interest on state stock, Jan. 1, 1849,	9,112 08
Interest due on penitentiary stock Jan. 1st, 1849,	1,800 00
	32,056 14

Balance available,

\$20,680 84

APPENDIX.

Notice was given through the state paper to the holders of general fund warrants, on the 24th of Oct. last, that they would be paid on presentation at the state treasury, and that interest would cease to be paid after sixty days from the first publication of the notice in accordance with act No. 22, "approved March 1st, 1845." All warrants, and other demands on this fund have been paid during the past year when presented at the treasury. Under the discretion authorized by act No. 24, 1848, to advance the interest as it became due on the "liquidated portion of the five million loan," from this fund, "if in my opinion such payments could be made without impairing the ability of the fund to meet its other indebtedness," I have advanced the interest for Jan. 1st, and July 1st, 1848, and shall send forward to the Phoenix bank, New York, \$9,112 08, to meet the interest due Jan. 1st, 1849. The \$1,000 13 deposited in that bank is on account of balance of interest, not called for, due on these bonds for 1846, 1847 and 1848. There was paid into the treasury \$15,000 in money, on account of the assignment of the Detroit and Pontiac railroad mortgage; without this aid it would have been impossible to have made these advances without impairing the ability of the general fund to meet promptly its other liabilities.

There has been cancelled and burnt \$539 of treasury notes, (state scrip.) during the past fiscal year, leaving yet a balance of \$1,187 outstanding.

GEO. B. COOPER,
State Treasurer.

Treasurer of Michigan in account with State of Michigan.

Dr.			Cr.
To bal. in treasury		By am't p'd on acc't	
Nov. 30, 1847,	\$64,470 33	of conting't fund,	\$569 70
Receipts on acc't of		do general fund,	185,367 89
general fund,	145,359 48	do int'l impt. do	150,773 66
do int'l impt. fund,	135,120 12	do primary school	
do prim'y sch'l do	27,450 73	int. fund,	32,605 20
do do int. do	46,546 17	do univer. int. fund,	25,119 88
do state building do	1,425 43	do state building do	8,038 22
do university do	11,586 72	do treasury notes	
do do int. do	20,628 52	burned,	539 00
do from M. C. R. R.		Am't p'd on acc't of	
Co., under Sec.		M. C. R. R. deposit,	1,413 00
7, Act No. 42, of		Balance in treasury,	52,736 98
1846,	4,575 83		
	<u>\$457,163 33</u>		<u>\$457,163 33</u>

LEDGER BALANCES, NOV. 30, 1848.

State building fund,	\$1,943 81	M. C. R. R. Co. deposits,	\$3,162 83
University int. do	6,411 62	Treasury notes,	1,187 00
Inter. impt. do	255,950 07	University fund,	90,958 71
Cash,	52,736 98	Primary sch'l do	157,331 34
		do int. do	9,067 42
		Contingent do	624 01
		General do	54,711 17
	<u>\$317,042 48</u>		<u>\$317,042 48</u>

STATE BUILDING FUND.

Dr.			Cr.
To warrants paid		By bal. Nov. 30, '47,	\$4,668 98
during fiscal year,	\$8,038 22	do rec'ts d'r'g fis. y'r,	1,425 43
		Bal. Nov. 30, 1848,	1,943 81
	<u>\$8,038 22</u>		<u>\$8,038 22</u>

PRIMARY SCHOOL INTEREST FUND.

Dr.			Cr.
Tobal. Nov. 30, '47,	\$4,873 55	By receipts during	
do warrants paid du-		fiscal year,	\$26,074 39
ring fiscal year,	32,605 20	do am't transferred	
Bal. Nov. 30, 1848,	9,067 42	from gen. fund,	20,471 78
	<u>\$46,546 17</u>		<u>\$46,546 17</u>

UNIVERSITY INTEREST FUND.

Dr.			Cr.
To balance Nov.		By receipts du-	
30, 1847,	\$1,920 28	ring fiscal year,	\$10,688 87
do warrants p'd du-		do am't transferred	
ring fiscal year,	25,119 88	from gen'l fund,	7,833 77
		do inter. impt. do	2,105 88
		Bal. Nov. 30, 1848,	6,411 62
	<u>\$27,040 14</u>		<u>\$27,040 14</u>

TREASURY NOTES.

Dr.			Cr.
To am't burned du-		By balance Nov.	
ring fiscal year,	\$539 00	30, 1847,	\$1,726 00
do balance,	1,187 00		
	<u>\$1,726 00</u>		<u>\$1,726 00</u>

CONTINGENT FUND.

Dr.			Cr.
To warrants p'd du-		By balance Nov.	
ring fiscal year,	\$569 70	30, 1847,	\$1,193 71
Bal. Nov. 30, 1848,	624 01		
	<u>\$1,193 71</u>		<u>\$1,193 71</u>

APPENDIX.

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GENERAL FUND.

Dr.			Cr.
To warrants p'd during fiscal year,	\$157,062 14	By balance Nov. 30, 1847,	\$94,719 38
do. am't transferred to univer. int. fund,	7,833 77	do receipts during fiscal year,	145,359 48
do. tr. to p. sch'l int. do	20,471 76		
Bal. Nov. 30, 1848,	54,711 17		
	<u>\$240,078 86</u>		<u>\$240,078 86</u>

INTERNAL IMPROVEMENT FUND.

Dr.			Cr.
To bal. Nov. 30, '47,	\$240,296 53	By receipts during fiscal year,	\$135,120 12
do am't tr. to univer. int. fund,	2,105 88	do balance Nov. 30, 1848,	255,950 07
do warrants p'd during fiscal year,	148,667 78		
	<u>\$391,070 19</u>		<u>\$391,070 19</u>

UNIVERSITY FUND.

Dr.			Cr.
To balance Nov. 30, 1848,	\$90,958 71	By bal. Nov. 30, '47,	\$79,371 99
		do rec'ts du. fis. y'r,	11,586 72
	<u>\$90,958 71</u>		<u>\$90,958 71</u>

PRIMARY SCHOOL FUND.

Dr.			Cr.
To balance Nov. 30, 1848,	\$157,331 34	By bal. Nov. 30, '47,	\$129,880 61
		do rec'ts du. fis. y'r,	27,450 73
	<u>\$157,331 34</u>		<u>\$157,331 34</u>

MICHIGAN CENTRAL RAILROAD DEPOSITES.

Dr.			Cr.
To warrants p'd during fiscal year,	\$1,413 00	By amount of receipts during fiscal year,	\$4,575 83
Bal. Nov. 30, 1848,	3,162 83		
	<u>\$4,575 83</u>		<u>\$4,575 83</u>

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